Next Month

STORM OVER ASIA
Paul Hutchinson

At the very time when the world has gone farthest in establishing agencies and instruments to keep peace, a storm of war is gathering in Asia. The recent Sino-Japanese activities were heat lightning, ominous even if they are no longer front-page news. To-day the clouds grow blacker. In his usual crisp style, Paul Hutchinson discusses the situation, paying special heed to Russia, the enigma.

PLAIN LIVING
Alicia O'Reardon Overbeck

Any family which has been forced to readjust its budget should appreciate this personal demonstration of what it means to revert to the simpler life which preceded the Golden Age of Boom. The author experienced the fat years as well as the lean, and she knows which she prefers.

BIRTH CONTROL—A BALANCE SHEET
Ray Erwin Baber

The decision whether to use or to ignore modern contraceptive methods can be made only by the individual, who is likely to become confused when he listens to ardent propagandists on both sides. This paper summarizes without prejudice the arguments for and against birth control, weighs them against each other, and offers a reasoned deduction.

OUR NATIONAL DEBT
Mark S. Watson

It is arrant nonsense, says Mr. Watson, to pretend that the present administration or the present Congress has balanced the budget. Take a look at the figures (he shows them to you) and then figure out, if you can, where our national finances will end if they follow the present trend.

IN OUR STARS
Irwin Edman

"Fifty years from now the world will be like this," says Mr. Edman, and proceeds to write an extraordinarily interesting and thoughtful paper. He makes no claim to infallibility as a prophet, but since he bases his picture of the future on tendencies already afoot his guess has a good chance of coming true.

I'LL VOTE LIKE THIS
A Symposium

Many famous people have contributed to The Forum. Here twenty-five of them tell whom they'll vote for and why.

FORUM and Century

HENRY GODDARD LEACH, *Editor*

Contents for OCTOBER

In Praise of Trust Companies. *A Foreword by the Editor* 193

The Future of Europe . . . . . FRIEDRICH SIEBURG 194

Our Grab-bag Tariff
Every Manufacturer for Himself — and We Pay . . CLINCH CALKINS 198

Mr. Ash on Doles and Things . . . . . GEORGE WELLINGTON 206

An Agnostic's Dilemma . . . . . HAZEL O'HARA 208

Wake Up, Supreme Court!
The 18th Amendment Violates the Constitution . . JOSEPH P. POLLARD 213

The Plight of the Landlords . . . . . F. E. ORSINO 220

The Pale Horror
III — Wagner-Jauregg's Fever Cure . . . . . PAUL DE KRUIF 225

The Educational Veil . . . . . WALTER A. TERPENNING 231

The New Quitters . . . . . KYLE CRICHTON 234

Can Trust Companies Be Trusted? . . . . . FRED C. KELLY 237

Our Greatest Authors. *How Great Are They?* . . . . . HENRY HAZLITT 245

God Loves the Irish . . . . . RICHARD LANTRY 251

Radio Reviews . . . . . CYRUS FISHER 254

Toasts IV

Books in Brief V

Our Rostrum IX

VOL. LXXXVIII—No. 4

The Forum, combined with The Century Magazine (Reg. U. S. Pat. Off.), is published monthly by the Forum Publishing Company, Inc. 35 cents a copy; $4.00 a year; foreign and Canadian subscription, $5.00. Publication office, 10 Ferry Street, Concord, N. H. Editorial and general offices, 441 Lexington Avenue, New York, N. Y. Back copies not over three months old, 35 cents; all other back copies, $1.00. Five weeks' advance notice required for change of address, and such notices must supply the old address as well as the new. *Indexed in the Readers' Guide to Periodical Literature.*

All manuscripts should be typewritten, accompanied by return postage, and addressed to the Editor at the New York office. No responsibility is assumed for the return of unsolicited manuscripts.

Printed in the United States of America. Entered as second-class matter at the post office at Concord, N. H., under Act of March 3, 1879.

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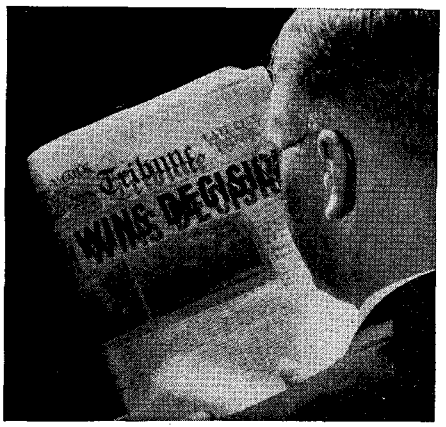

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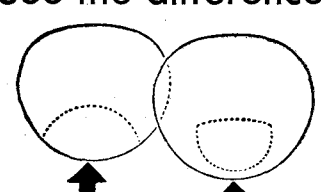

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TOASTS

FRIEDRICH SIEBURG, a German newspaper writer, was for five or six years the correspondent for the *Frankfurter-Zeitung* in Paris, where he collected much of the material for his book, *Who Are These French?* At present he is the London correspondent for the same paper.

CLINCH CALKINS has studied and taught at the University of Wisconsin. She is the author of *Some Folks Won't Work*, a study of unemployment. A volume of her poems appeared in 1928.

GEORGE WELLINGTON collected rejection slips for eighteen years before THE FORUM accepted and published his first short story, in December, 1929. He is postmaster in La Belle, Pennsylvania.

HAZEL O'HARA has been a salesgirl in Woolworth's, a school teacher, a waitress, and a newspaper columnist. Now she is a public stenographer in a hotel. She is a graduate of Syracuse University.

JOSEPH PERCIVAL POLLARD, when he is not busy producing book reviews and articles on the subject of law for the general reader, is working on a book about the career of Judge Cardozo.

F. E. ORSINO graduated from Western Reserve University in 1925. After two years in medical school, he tried newspaper work, which he gave up a little over a year ago. He spends most of his time writing.

PAUL DE KRUIF, author of *Microbe Hunters* and *Hunger Fighters*, was a bacteriologist at the Rockefeller Institute until 1922, when he was dismissed for writing certain articles on medical science which displeased the authorities.

WALTER A. TERPENNING has written several books and numerous articles on rural sociology. He is professor of sociology at Western State Teachers College, Kalamazoo, Michigan.

KYLE CRICHTON, after his graduation from Lehigh University, did newspaper and publicity work in Charleston, West Virginia, and Albuquerque, New Mexico. He is now associate editor of *Scribner's*.

FRED C. KELLY, a contributing editor of *The Nation's Business*, began his career on the staff of the *Cleveland Plain Dealer*. Among other things, he runs a five hundred-acre farm in Ohio.

HENRY HAZLITT, before he became literary editor of *The Nation*, conducted the literary section of *The New York Sun*. Philosophy, economics, and belles lettres are his chief intellectual interests. He is the author of *Thinking as a Science*.

RICHARD LANTRY confesses that the only Irish-Americans whom he has known intimately have been the members of his own family. "But I once lived in Boston," he writes, "so I'm really not a novice."

CYRUS FISHER, whose radio criticisms appear monthly in THE FORUM, has done about everything connected with writing and producing radio programs.

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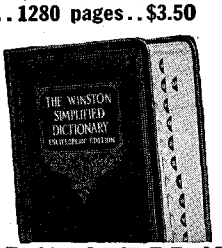

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BOOKS IN BRIEF

THE REVOLT OF THE MASSES, by José Ortega y Gasset; Norton, $2.75.

THIS particular analysis of the modern world's predicament is complex, brilliant, original, and anything but easy to follow. It will probably be attacked from all sides, and especially from the Marxist camp. Although he is an active supporter of the new Spanish government, Ortega appears to be an aristocrat at heart, at least so far as the intellect is concerned. He is alarmed by the rise of the multitude, and its increase in control, since the spread of world population during the nineteenth century. He questions whether liberal democracy, in which he believes, can survive the emergence of the mass-man — who is incapable of ruling and now refuses to obey. He is at pains to make clear that he is not referring to the "working masses" in the usual social sense of the term, but to the mass as an "assemblage of persons not specially qualified," persons who do not make arduous demands on themselves in an effort towards perfection. He believes that we cannot, if we are to remain civilized, do without qualified minorities. He believes that our present demoralization, of which mass rebellion is a symptom, proceeds from the fact that the power of Europe is being questioned and that the world is uncertain as to what people, what system of ideas and morals is to rule. His solution is the welding together of a European state, animated by a purpose sufficiently inspiring to combat communism. Unless one follows closely the elaborate course of Ortega's argument, this outline of his ideas is relatively meaningless. To do so is worth the effort. *The Revolt of the Masses* is an extraordinarily stimulating book, even if one completely disagrees with its thesis.

THE YEARS OF PEACE, by LeRoy MacLeod; Century, $2.50.

THIS book has the slow, rich flow of the passing seasons which it describes so eloquently. It covers ten long years in the life of a family living in the Wabash Valley — the ten years after the Civil War — and it is only because Mr. MacLeod is a superlatively good writer that one can overlook its lack of sharply defined, diversified incident. When the book opens, Tyler Peck is a young man of twenty-one, anchored resentfully to a proud, rather austere woman whom he had married on a hot-blooded impulse. During the next ten years child follows child in weary and unwanted succession; Tyler seeks relief with the wanton wife of a neighbor; Evaline tortures herself with scruples of conscience and with fears that she has lost her husband's love. Their conflict is an endless, gruelling one,

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Books in Brief

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WHAT WE LIVE BY, by Ernest Dimnet; Simon & Shuster, $2.50.

EVIDENTLY deciding, after his previous book, *The Art of Thinking*, had met with all the glamorously advertised success of a best-seller, that once people had learned how to think they should be given something to think about — as if most of us haven't been supplied already! — the Abbé Dimnet has attempted to present such fare in *What We Live By*. People who go in for the Haldeman-Julius publications and the works of Dr. Frank Crane will probably have a delightful time with this book. In three hundred pages it shows how one may climb from the downstairs of his inner life, where one is bound to indulge in frivolous week-ends, gossip, self-praise, flirtations, continuous radio, and time-killing, to the upstairs, where one becomes sort of a spiritual aristocrat, reading with a purpose, showing indifference to trifles, loving nature, studying great issues, choosing one's company, and becoming devoted to a cause or an idea. "Anxiety about great issues gives life its nobility," writes the good Abbé. Well, there are great issues galore in the world to-day, and they are causing pretty nearly all of us a great deal of anxiety, but we can't see that life has been made any more noble by it. Maybe nobility, too, is just around the corner.

A NEW YORK TEMPEST, by Manuel Komroff; Coward-McCann, $2.50.

FOR THE plot of this strange, melodramatic novel of old New York, Mr. Komroff is heavily indebted to the records of an ancient scandal — the Jewett-Robinson murder case. Although he has changed the names of the principals, and embroidered on their characters, his book has a pretty solid historical basis. Oliver Benson, a young man about town, murders in her bed a beautiful courtesan who loves him desperately, but who has become a burden to him. He is acquitted — chiefly because the good people of the city are reluctant to espouse the cause of a prostitute — but the case has endless repercussions which eventually bring Oliver to his just doom. The story is an exciting one, and Mr. Komroff paints some admirable pictures of New York in the 1830's, with its fashionable folk, its Five Points criminals, its fire laddies, and its Bowery B'hoys. He errs, however, in using too stilted and artificial a style in portraying his characters.

THEY WINTER ABROAD, by James Ashton; Viking, $2.50.

ALTHOUGH it is pure recklessness, considering the number of *South Wind* enthusiasts, for any publisher to invite comparison with Norman Douglas, the Viking Press has right on its side. This tale of a group of English tourists in Italy has a malicious, light-hearted perfection of wit which is strangely reminiscent of Douglas' masterpiece. The residents of the Hotel Santo Biagio, divided rigidly into the Drawing Room and Smoking Room factions, are visited with a kind of spring madness which induces them to lose their hearts to unresponsive and unsuitable objects. Young Mr. Pupillary forgets his cleverness, and Miss Prune her inhibitions. Others, too, are affected. Hardly a one of the hotel guests — all of whom rejoice in fantastic and amusing names — is in a position to profit by the Professor's eloquent sermons on love, which he neatly divides into sub-species. *They Winter Abroad* is a deliciously aimless and inconsequential book, bright with crisp dialogue and sparkling humor.

TRAFTON HELEN, by Jonathan Leonard; Houghton, Mifflin, $2.00.

CERTAINLY not a writer for those who can cheerfully tolerate pot-boilers, Jonathan Leonard is by no means as difficult and eccentric as even some of his ardent admirers would have one believe. He heightens and exaggerates the individualism of his characters, puts into the mouth of village rustics strange, prophetic utterances packed with irony and wit. Nevertheless his New England is truer to the essential facts than the facile local-colorists would have one believe. His present novel deals with the efforts of an ingenious youngster to push his reluctant parents over the brink of middle age, to forbid them all belated dallying with emotional experience. It is not so good a book as *Back to Stay*, partly because Helen and Brooke Trafton are shadowy compared to the shrewd natives who dissect their affairs, but it is a subtle and unusual story with the peculiar flavor of originality which distinguishes everything that Jonathan Leonard writes.

The Questions

1. Who was the mother of Solomon?
2. Is the whale a fish?
3. What is the literal meaning of malaria?
4. What are the five Great Lakes?
5. Who was Iris?
6. What is a catwalk?
7. When was Pompeii destroyed?
8. Of what word is spats an abbreviation?
9. In what common drink is tannic acid found?
10. What is an apiary?

The Answers

1. Bath-sheba.
2. No. It is a mammal.
3. Bad air. (Italian *mala aria*.)
4. Superior, Huron, Michigan, Erie, Ontario.
5. Goddess of the Rainbow in Greek mythology.
6. Footway along keel of a rigid airship.
7. A.D. 79.
8. Spatterdashes.
9. Tea.
10. A place where bees are kept.

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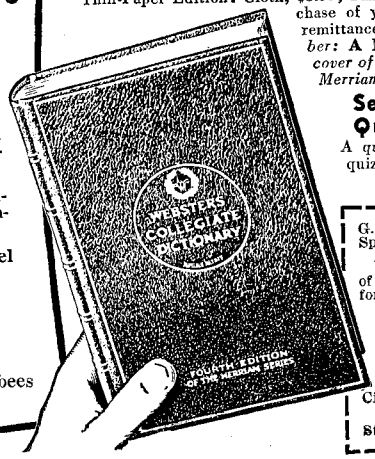

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F O R U M

OCTOBER, 1932 VOL. 88, NO. 4

In Praise of Trust Companies

A Foreword by the Editor

AMONG the exhibits assembled at Chicago for the Century of Progress, is a collection of brains in glass jars. The human brain is the most impressive of the lot. In the jar beside it is a smaller, oddly shaped brain, which recently excited the curiosity of a visitor from New York. "Is that," he asked whimsically, "a banker's brain?"

The depression has taught us that bankers are not super-men, but we ought not to relegate them to Grade D intelligence. A great depression is like a virulent epidemic in which the greatest doctors fail. When commodity prices drop with the speed of an elevator it takes exceptionally shrewd management to hold up the dollar appraisal of any invested funds.

It is to be hoped that before the depression is forgotten Congress and our state legislatures will make our banking institutions a little safer for the average depositor. At present, the U. S. Postal Savings System is our only institution that offers absolute protection for small savings.

The October FORUM contains an article by Mr. Fred C. Kelly criticising our trust companies. Many intelligent citizens take it for granted that the label "trust company" guarantees stability, if not profit, much as many unintelligent citizens believe that any "M.D." should be able to cure a common cold. Mr. Kelly shows that this naïve trust in trust companies is misplaced, and that certain states offer little legislative protection.

The author seems to have been unfortunate in choosing his state, Ohio; he might better move over into Pennsylvania and try his luck with trust funds regulated by the strict laws of a state colonized by Swedes and Quakers. Let me give some personal testimony of my own in praise of better trust companies. I can cite funds in two Pennsylvania trust companies which have weathered the financial hurricanes of '21 and '31, and are riding the storm to-day at a higher dollar value than the day the trusts were set up. Success is due not alone to the safeguards of Pennsylvania law — for no laws can protect absolutely against corporate stupidity — but in good part to the shrewdness and conscientiousness of the officers of those trust companies.

Surely the average trust company can be relied upon to make more prudent investments than can the average private citizen. By and large the trust companies of America have done as good a job in protecting the investing public as have the medical profession in protecting the public health.

The following story, though not authenticated, will illustrate a common experience. A bank president in the late defunct "New Era" said of a certain trust company, "They are a reliable, stodgy old company, but they have never learned how to make money." Four years later the same bank president telephoned to the head of the aforementioned trust company. The hour of great need had arrived, and the banker asked the trust officer to tide him over with a loan of one million dollars. "I can let you have eight hundred thousand," said the president of the "stodgy old trust company," "provided you will admit to me that, even though we may not know how to make money, at least we do know how to keep it."

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The Future of Europe

by **FRIEDRICH SIEBURG**

Author of "Who Are These French?"

In the old Rue des Saints Pères in Paris, which rather resembles a jumbled storeroom of European culture, with its shop windows stuffed full of old furniture, old coins, pictures, and works of art, I recently saw an engraving from the sixteenth century. It depicted Europe as a maiden of an opulence rarely found to-day. She represented the map of Europe; her head was Spain; her right arm was England; her left arm France; her breast Germany. In like fashion each European country formed a part of this symbolic figure. The engraving was presented to Emperor Charles V by a German geographer to flatter him as the foremost prince of Christian Europe. The donor wished to express the concord of a continent, the unity of which principally depended on the fact that it was governed by one Christian prince. What else, indeed, could signify the unity of Europe? To us, who are living in the midst of things, the chief characteristic of our continent seems to be its manifold variety, its incompatible contrasts. To the non-European, on the other hand, things appear differently, for he likes to visualize Europe as an entity, and he is, after all, the only one who can feel that our old continent is a harmonious organism and has, in spite of all its contradictions, a character common to all its countries.

Europe has conducted herself badly during the last twenty years. She has been the starting place of a suicidal war, which succeeded for a while in appearing as a universal affair, but which, in reality, was nothing more than a domestic quarrel, a quarrel which destroyed nearly the entire establishment and opened fissures that can never be closed. Europe has neither known how to be victorious nor how to be vanquished. The victor was enfeebled; the vanquished more humiliated than conquered. Thus the entire epoch — euphemistically considered an epoch of peace — has proved to be nothing more than another epoch of European disgrace, eventually causing the economic world-depression.

In a word, all evils from which we suffer to-day started in Europe, and in this sense we may certainly point to Europe as a unit. Our continent is as much the starting point of the great political and economic troubles of the world as it once was the starting point of technical progress and industrial development — briefly, the starting point of all modern culture. Europe produces values and, simultaneously, the poison which destroys these values. There is a certain demoniac power in this continent, a desperate wealth, an anarchistic capacity to create and to destroy.

Christianity — the Lost Bond

Under these circumstances one is inclined to ask what the future of Europe will be. The European asks it uneasily, for he sits helplessly on the immeasurable spiritual and cultural treasures produced by his home-land and knows that he could not live without them. The non-European asks it with a certain malicious joy, for he thinks himself entirely safe

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from the European poison; he believes he has accepted from Europe everything that is beautiful and good and useful and hopes to be sufficiently protected against the typically European qualities of doubt, criticism, and self-destruction. What will become of Europe after she has lost the idea which gave her unity — namely, the idea of Christianity?

For long centuries Europe and Christianity were synonymous, and we all know of the heroic deeds done and of the crimes committed by Europeans in the name of this Christianity. The Crusades, with their wild plunderings and senseless bloodshed, were as much an accomplishment of Christian Europe as the wonderful discovery of America and the other great explorations of more recent times. The German and French knights who drenched Oriental towns in blood set forth with the same conviction of being messengers of a Christian-European God as did Christopher Columbus or Vasco da Gama, standing on the decks of their small caravels searching the unknown night sky for stars. Christianity and Europe still considered themselves identical until far into the nineteenth century, when the European great powers at the Congress of Vienna were talking of the Sacred Alliance.

In the meantime, this conception has been lost, and Americans have become better Christians than ourselves. Thus Christianity has become greater and smaller at the same time, for it comprises the whole world, having spread with America and the British Empire; but it also has suffered loss of the compactness and power which it possessed under the once synonymous conception of Christianity and Europe. I do not want to be misunderstood. There are still many good Christians in Europe, but they do not ascribe the old cultural power to their faith. Christian faith probably means more to human souls in these times than ever before, but it is daily growing less and less important to culture and the community. In Europe Christianity is returning to the hearts of men and begins to lead a private, no less dignified, life. However, it is no longer able to invest Europe with a distinctive character, as of yore.

In its place we have invented nationalism and bolshevism — whereupon the question arises whether the latter really belongs to Europe or not. Nevertheless, it is evident that communism is as much a European product as is nationalism, for which the French Revolution was responsible. For the modern European nationalism fills the place occupied by Christianity in former centuries, but it has no binding power; on the contrary, it pits one nation against the other and enlarges the gulf separating the individual peoples — in fact, it is built up on the differences between peoples and endeavors to develop and intensify all that differentiates one nation from another. But nationalism is, none the less, considered from a bird's-eye view, a movement common to nearly all Europeans. Once again Europe produces a force which joins and, at the same time, separates its individual parts — force simultaneously constructive and destructive.

Is Europe French?

Let us look at France. France, next to England (England only half belongs to Europe, for she concentrates with great purpose and determination on her non-European Empire), is the European state which reflects most clearly the bourgeois ideals of old Europe. Her nationalism is a tendency intended to strengthen the individual's personal freedom, not to diminish it, as is the case in Germany and Italy. Individualism still celebrates real triumphs in France. Personal happiness of the individual is the Frenchman's highest aspiration. This is by no means an unworthy aim, however, for it rests on a lofty plain of humanity and liberty. The Frenchman is perhaps the only citizen of Europe who can afford to think of himself. He need not constantly focus, as does the German, on the collectivism of the state; he need not, as does the German, aspire to sacrifice his personal happiness for the community, because the community in France has a high standard and is built upon values acknowledged by all its citizens, whereas there are scarcely any common values in Germany. In short, the French all agree upon what is good and evil, useful and beautiful; every single German, on the other hand, has his own individual opinion on the subject. The French, therefore, need not bother about these values, for they are definitely established, but the German must think about them, must dispute them with his neighbor, for these values are not yet determined in his country; they are still questionable and in constant turmoil.

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If it were up to France, we would soon have a united Europe, naturally under the leadership of France. The diversity and contradictoriness of our continent fills France with the greatest suspicion and uneasiness. She would like to see Europe more united. In fact she would like to dominate Europe with the French idea of civilization. She desires this the more because she is convinced that her idea of civilization is appropriate not only for France but for all Europe as well. In the eyes of the Frenchman, one has to think in the French way or else one is a bad European. This point of view fires the initiative developed by France whenever something of a European movement ferments in our continent. As soon as some European nation cultivates a tendency towards solidarity with other nations, France either must be at the head of the enterprise or hinder it. Briand's famous policy of European federation was nothing but the French effort to rule Europe. To the Frenchman, any Pan-European movement is a conspiracy against France, as long as the French Prime Minister is not leader of the movement. After all, a very sound theory, for France could solve the European problems if Europe resolved to recognize the predominance of France. But we all know how little the other nations care for this idea and how strong their will is to lead a completely independent existence. To this France remarks: "Well, go to ruin singly if you prefer. You remaining nations cannot live without the common mother Europe, while I am the only nation practically forming a continent in itself and able to live alone even if it were separated by high walls from the rest of the world." There is some truth in this, for France, owing to her particular economic and intellectual construction, is virtually the only country for which the prevalent European conception of an autocracy has some significance.

Compared to France, nearly all other European nations, particularly Germany and Italy, are in a state of disease. However, we feel that this malady leads from one rejuvenation to another, whereas France is growing ever older, ever less elastic, and ever more suspicious through sheer health. Germany certainly is the most contradictory and, therefore, the most typically European country of our continent to-day. No country depends so much on economic and commercial co-operation with other countries, and yet no country is striving so hard, at the same time, to develop an unmistakably national character all its own which shall not only distinguish it from other nations, but shall also keep it expressly apart. No people has a greater passion for autocracy than the Germans, although not a single European nation can less afford it. My country is certainly the most heroic country of the world, for only in Germany are men inclined to act against their material interests in order to serve better their ideas. Germany recovers spiritually and nationally from defeat by endeavoring to reconstruct the German character. At the same time, there is bitter need for Germany to seek co-operation with other countries. To no other country would a European federation be of greater import, but in no other country is this idea so lifeless, so contrary to national temperament as in Germany. The entire nation would rather be poor and suffer than give up the narrow conception of their specifically German political community. They erect walls, although these walls harm their standard of life and their business. Rather than do business, they prefer the opportunity given within these walls to discover, cultivate, and elevate the German character. German nationalism is a revolutionary movement, though quite different from her earlier revolutions. German youth is the only youth on earth gaining a certain independence of worldly goods, wealth, and property. They would rather join the ranks of their comrades than pursue the costly joys of earthly existence.

It may be fascinating for the non-European to witness Europe sensing her decay coming ever nearer and yet systematically neglecting everything which might avoid ruin. This inconsistency is a peculiarly European quality. The European's freedom of will goes so far that he will harm himself economically if he may only pursue his ideas. The Frenchman cannot understand Europe except as a French Europe; the German abruptly repudiates the conception of a Europe placed above the nation. Both thereby hinder the promotion of an actual European solidarity, and the establishment of an economic area which would facilitate the interchange of commerce. Both nations are fundamentally proud of having the intellectual and moral capacity to resist the practical. They become intoxicated by the consciousness of

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their dissimilarity, by the wealth of their ideas, and by the consciousness of the isolation of their respective national aims, considering these very differences as proof of the wealth of European thought. Indeed, Europe is able not only to think a thousand ideas, but also to feel them. The difference between a Dane and a Belgian becomes more evident the longer they converse. From word to word they discover more variety in the conceptions of life, customs, and morals of their two countries, and from word to word each one feels greater pride in being a Belgian and a Dane.

Europe Is a State of Mind

And yet they are conscious of a certain unity, knowing full well that only Europe can be so complex as to be proud of all that separates them. Our little continent has been the starting point of all true forces of contemporary civilization. The remainder of the world was discovered, explored, and populated by Europe; from Europe the great forces of world conquest went forth; and from Europe spread the utilization of steam and electricity. Therefore, Europe is unlike other continents; it is a mental rather than a geographic concept. Europe is not so much a country in which one travels as a condition of which one becomes aware. The American goes to Europe seemingly as a tourist, but in reality he crosses the Atlantic to become conscious of the European elements in his being. Europe, having had the power to create, still has the power to destroy. She has given so much to the world that she begins to tire of her capabilities.

Europe was once the homeland of progress. Progress was invented in Europe, was made a religion in Europe; and thence progress set out on its triumphal march around the whole world. It was progress which led Europe into the world war; progress pushed her over the precipice of economic disaster. European nationalism is an act of defense against progress. When the prices of raw materials have decreased throughout the world, when the industrial countries produce more goods than the other countries can absorb, in a word, when the problem of production becomes a problem of distribution, then we recognize therein the curse of Europeanism. The whole structure of production has developed from year to year, thereby gaining independent control over mankind. The machine has become the ruler; the consumer has become a slave. The more the machine produces, the higher rise the demands of the consumer, and the higher the demands rise, the more the machine is fired to increase its tempo. This was the cause of the World War; this is the cause of the present world crisis. Europe, whence came this curse, now tries to resist progress.

What is happening in Europe to-day is a more or less conscious reduction of progress. Europe is experimenting in reversion. Nationalism requires more primitive economic methods than those in use to-day. In other words, those countries in which nationalism seems to be triumphing over intelligence are endeavoring to diminish the whole structure of production and to arrive at a more primitive form of economics. France has always known how to retard the velocity of economic development and prevent the mechanization of her country. France acknowledges the importance of the machine only so far as it contributes to the private happiness of the individual. Germany has never possessed this wisdom; therefore, her resistance against the immoderate expansion of the vast structure of production is more violent and smacks of revolution. German nationalism is the deliberate attempt to turn a highly developed industrial country into an agriculturally-minded island, well able to assert itself by its own intellectual, economic, and political forces. Briefly, the European nations seek salvation through conscious retrogression, through conscious renunciation of the very development which they themselves produced.

There is only one country in Europe which still whole-heartedly endorses the religion of technical progress, and that is Soviet Russia. The bolshevistic state worships electricity like a god. Stalin believes bolshevism consolidated for all time if he succeeds in giving his country a system of production corresponding to, and possibly even excelling, that of the European system. The bolshevists are the only Europeans who still honor the old European faith in progress. This supplies food for thought. If bolshevism and German nationalism both continue upon their way, Europe may soon present a very different appearance: skyscrapers may stand in the Ural and on the Don, while a team of oxen may plow the Tempelhofer Field in Berlin.

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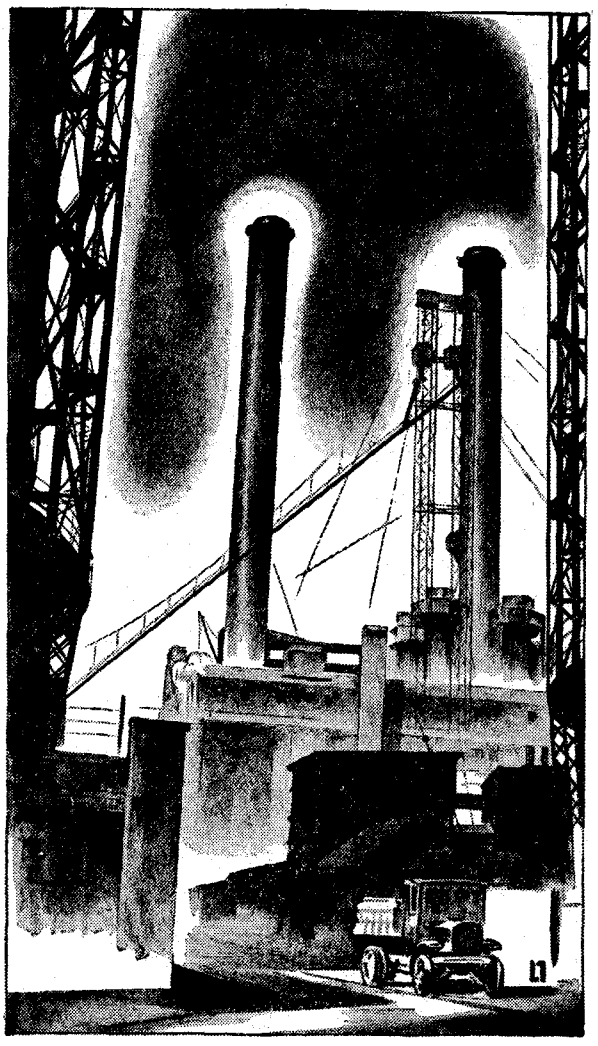

by **CLINCH CALKINS**

THE DIFFERENCE between American and British ideas of tariff-making has been shown this summer clearly. Whatever pulling and hauling of personal and dominion interest has marred the concept of the Ottawa conference, nevertheless the concept was originally there. Its leaders held the idea that to make a tariff is to form an internal and a foreign policy. Trade as a whole first, and after that its difficult component parts, should be the object of review, and should be the consideration of government rather than of self-interested promoters.

One month to a day before the opening of the Ottawa conference, there went into effect four so-called excise taxes which perfectly illustrate the opposite theory of tariff-making held by the United States. These are the taxes on the importation of rubber, lumber, coal, and copper. No one of these has been without its repercussion in foreign countries. But American tariff-making has to do with foreign

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policy only unintentionally; perhaps it might be better to say, unwittingly. We are astonished that we cannot play solitaire and still have heavy winnings from the stranger. We are incredulous at export losses and reprisals. We do not even have a controversy as to which is better for the country: protection or free trade. The advantage of the country is not for a moment considered. Our huge internal free-trade area, admittedly responsible for much of our past prosperity, never regards itself as an acting whole when it demands a tariff, but sectionally and in factions. The manufacturer is the tariff-maker for the United States, and he has no tariff policy, but looks to the tariff as a grab-bag. If, as seems true, he has within the last several months become uncomfortably conscious that his grab-bag tariff is not all Mr. Grundy hoped it would be, that is not necessarily because he is either newly analytical or newly public-spirited, but because when he put his hand trustingly in for a plum he was nipped by a coast-wise crab — or even a tarantula that came in with a cargo of bananas.

Of those four excise taxes, none is more illustrative of our tariff theories — or lack of them — than is the duty on copper. An analysis of copper's claims upon the public purse at this precarious time gives us a chance to see how readily the public yields its trade-taxing rôle to the private interests, and how without sense of obligation they assume it.

The less the tax arouses the consumer's self-preservative instinct, as would an alarming tax on basic foods, the more readily he yields his taxing function. Copper is a good example of an emotionally invisible product. We are definitely not copper-conscious. Too many middle-men, too much fabrication, stands between us and the mine. We may display old copper cooking vessels, but we do not use them. New copper screens, to be sure, occasionally glitter in the sun, but copper wire is insulated from sight, and the copper parts of motor cars are hidden away. Copper distributes itself too widely and too far beneath the surface to allow a four-cent tax upon a pound of it to offend our sense of justice. Bryan knew this psychological fact when he said a farmer could not be aroused over a rise in price of fence wire when that rise cost him but a fraction of a cent per field. Kreuger knew it when he raised the price of a box of matches one eighth of a cent and added millions to his company's income. In such impalpable oppressions does not dwell the stuff for battle cries. To the consumer, the copper tariff means nothing, flat. Yet what it means to the world copper industry and to trade can be gauged by the fact that when it was being debated upon the floor of Congress, the Peruvian government threatened a retaliatory tariff of 300 per cent on all American goods.

Copper has been on the free list since 1894, when the duty upon it was abandoned as useless. Free trade in copper survived even the omnibus tariff of 1930. What new and extreme need, after thirty-eight years, emboldens an industry which has survived some eighty years of the country's ups and downs and added millions upon millions to its wealth, to add the extra burden of a single tariff item upon our sickened foreign trade?

The Opposing Interests

A brief excursion into Wall Street uncovers two facts about the copper industry: first, that the copper owners warred among themselves about the tariff; second, that they draw, in the alignment of their forces, a triangle, really a *ménage a trois*. The new and disturbing figure in the household is the dark, rich, ominous shadow of African copper, to whom is ascribed all domestic sorrow. Those who would repel this intruder — the interests which agitated for, and brought to pass, the tariff — are the owners of purely domestic properties, mainly in the Lake Michigan copper regions and in southern Arizona. The third and silent member has to all appearances stood idly by while the tariff has gone through. It can afford to do so. It owns rich mines in the United States and even richer ones in Chile.

Specifically, the separate groups are these. Largest of the tariff proponents is the Phelps Dodge Corporation. Associated with them in their agitation were Calumet and Hecla, Miami, Consolidated, and others, making up a list of fourteen domestic companies whose common denominator is that their operations are high-cost and the yield of their ore comparatively low. According to the tariff opponents, these high-cost properties are divided into two groups: those in southern Arizona, whose ore is so low in yield that it is minable only by brilliant metallurgical developments of

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method, and profitable only in high-price periods; and those of Michigan, which have earned rest after a long and honorable career. Protection for either of these groups, say the opponents, is not based upon the theory of protection for infant industry. Protection for Arizona is a costly remedy for marginal production, bought at consumer expense. Protection for Michigan copper is an old age pension.

What are the grounds upon which these high-cost owners took their tariff stand? Let one of the Arizona proprietors be their spokesman. He said, in effect:

"Without adequate tariff protection, the copper industry in certain regions of America will die out, leaving disaster, unemployment, and misery in the states which it supports. Collapse of copper mining in Arizona would mean literal bankruptcy for the Commonwealth. Almost every other industry of the State is dependent upon it; its public utilities, the railroads, the banks, and the schools and government maintained by the heavy taxation upon the properties. If this industry were to be destroyed — and remember, this threat is not one of the future; its destruction has already begun — Arizona would be destroyed with it.

"Before the low labor costs of African producers who recruit their miners from the bush, feed them mealie and peanuts, and pay them nineteen cents a day, what can we hope to do for our self-respecting, highly paid American workers who have become accustomed to American standards of living? Are we going to hand over to outsiders the finest copper market in the world, one which Americans have built up for themselves, without a protest? Are we going to let foreigners set the price of copper so low that it will force the American industry out of business?"

The second division of copper interests embraces those who openly opposed the tariff. Though Americans own great mines in Canada, those who stand to lose the most by exclusion of their product are the holders of the new Rhodesian properties described by the Arizona miner. Within very recent times — so recent that their output is as yet scarcely felt in the market other than as a threat — the richest copper fields in the world have been opened in upper Rhodesia, and are owned by English-American banking groups. The American Metals Company, envied proprietor of the fabulous Roan Antelope, a mine already in production, headed the opposition interest in the United States. The position of the Rhodesian interests is too clear to need elucidation. They own rich foreign mines; ergo, they want an open market. Mr. Harold Hochschild, executive vice-president of American Metals, said:

"When the depression is over and the demand for copper is renewed, then will the price go up and not before. But as for the mythical flood of African copper, since January, 1931, the total of African copper brought into the United States has been less than 18,000 tons. Roan Antelope, which sent most of it, is expected to send in less than 700 tons a month for several years.

"But it is important to remember what a tariff is going to do to both the American refining and shipping industries. Although this country produces only half the world's copper, it refines over seventy per cent of it. All imported copper, or its equivalent, along with a large annual tonnage of purely domestic copper, is re-exported for sale abroad. Many domestic copper operators find a freight advantage in disposing of their copper in foreign markets. Replacement tonnages of foreign copper, as part of the same transaction, are delivered here. Canada will find it cheaper to deliver ore to Detroit and have her European orders filled from Jersey. This friendly and mutually advantageous relationship will be broken. Foreign copper which now comes to our plants will be diverted to Europe, where even now a large excess of refining capacity exists. Foreign bottoms will replace American ships, and foreign sailors take the place of ours.

"As to our much-discussed labor advantage in Africa. We are even reproached for feeding our workers peanuts. The fact is they want peanuts. They like peanuts. The African living in our camps is living under better conditions than he has ever known before. It is true that he does not want to work. To get labor is a constant problem. But by the same token our wage advantage is very different from the picture that is painted for us. The African worker is inefficient. The Tariff Commission reports a ratio of productivity of 1 to 12 in favor of the far more efficient and consequently more highly paid U. S. miner."

The third faction of copper interests consists of the great companies of the Northwest fields,

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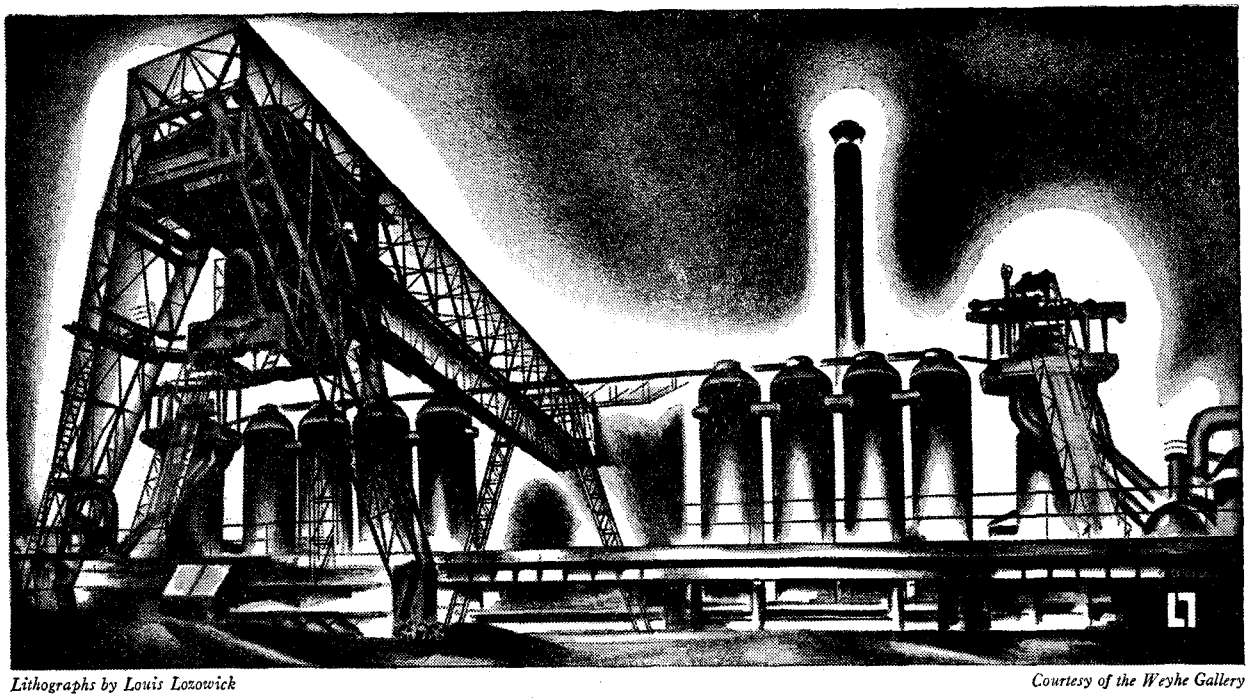

Lithographs by Louis Lozowick *Courtesy of the Weyhe Gallery*

chiefly Kennecott and Anaconda. (Domestically Kennecott has far the richer holdings of the two, but in this article I shall denote their similar interests by referring to Anaconda only.) With foreign and interior properties, they do not stand to gain or lose. Officially they took a neutral stand. Possibly they were forced into this because they operate in traditionally high tariff states, and their domestic laborers would look upon any lenience to the foreigner as treason. Their privately stated stand was against the tariff. About their expressed attitudes, the outsider is forced to cynical reservations. First, it is hard to believe that interests so powerful as these could not bring about whatever they desired; and the tariff passed. Second, the duty went in under guise of an excise tax, and can be abrogated, therefore, when the revenue bill is lifted — that is, when normal trade returns and the revenue bill is no longer necessary. For the duration of this low-price, no-demand period their superior Chilean ore constitutes no especial advantage to Anaconda, who owns huge mined stores of copper within the tariff walls.

Cost, Price, and Profit

This, then, is the *dramatis personae*, so to speak, of the industry. What is the significance of the tariff episode in the long story they have played upon the boards? Granted that a request for a tariff is a request for a price lever, and is a matter of price and costs only, let us turn first to copper's ledger of wealth. What is the history of costs, price, and profit back of the plea for governmental aid in price-fixing? Were there in prosperous years any efforts on their part for controlled world output or self-restraint which would bring unity or steadiness into the business?

Price and cost are hard to dissociate. They do not, of course, bear a fixed relation to each other. No mine in the world can afford to produce copper for the price at which it is selling now. On the other hand, the costs of the lowest-yield mines in the field would not justify the price the market was called upon to support in 1929. Price has a more complicated rôle to play than costs. A factor of finance may enter to make important a small rise of price per pound, ineffectual as that rise may be against the cost. On June 5, 1932, before the Senate Committee which prosecuted the stock market investigation, Senator Glass asked the question of Charles E. Mitchell of the National City Bank as to whether fluctuations in a stock like Anaconda are not due to manipulations of the market. (In one year, the investing public had lost $160,000,000 in Anaconda shares.) Mr. Mitchell answered that price changes arose almost entirely as a result of two factors: the price of copper and the volume of consumption of copper. A difference of one cent a pound in the price of copper meant, he said, a difference of a dollar and a quarter per share in Anaconda stock. If it is

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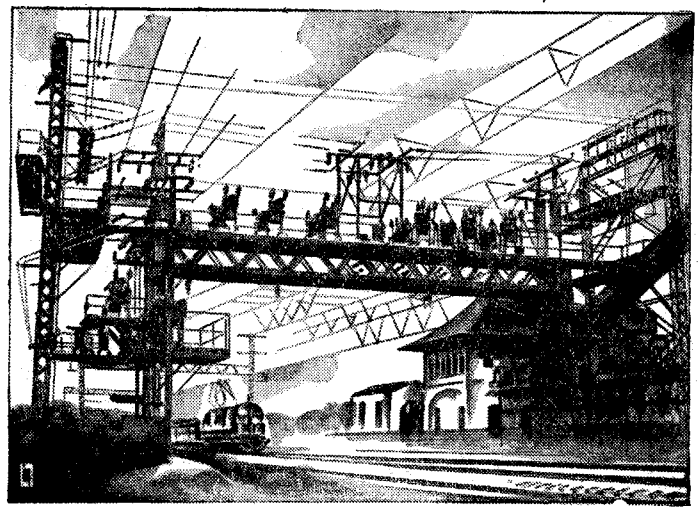
true, as it was at that time reported in New York copper circles, that Anaconda owed between seventy-five and ninety millions to the banks, even a small rise, say of two cents a pound, which might in due time conceivably be wrought by the tariff, would, to the extent indicated by Mr. Mitchell, better the standing of its collateral.



But before we can know what relationship, or lack of it, the price has, in spite of manipulation, held to the cost, we must first learn what are these costs of production. In the discrepancies between the costs of foreign and domestic mines, and more especially between the costs of high- and low-yield domestic mines, lies the substance of the protectionist's contention.

We shall have to go to a disinterested agency for the facts. In December, 1931, the Tariff Commission transmitted a report on the production costs of copper for 1928, a year chosen as more nearly normal in volume of production and in costs of mining than either of the two following years. This says:

> "The average grade of ore mined in the United States is only about two-thirds of the average grade mined in foreign countries. . . . The foreign industry rivals that of the United States in scale of operations and in technical skill. The rates of wages in the industry in most of the foreign countries are much lower than in the United States, but the efficiency of the labor is also much lower. . . ."

The domestic divergencies, according to the Commission, are also wide. Excluding depletion and interest, the highest domestic costs are for Michigan copper, which, in 1928, exceeded those of the Western Hemisphere and Spain by over 2½ cents a pound, and those of Latin America and Spain by over 3½ cents. When depletion and interest are included, the highest domestic costs appeared in Arizona, exceeding the Western Hemisphere and Spain by nearly 2½ cents and Latin America and Spain by more. The lowest costs in the United States are found, according to the Commission figures, in the third region, the dominant states in which are Montana, Utah, and Nevada. Costs in this region exceeded those for the Western Hemisphere and Spain by only 0.30 cents per pound when depletion and interest are included. These cost comparisons are between all domestic refined copper and foreign blister copper (blister copper being the product of the smelteries) plus cost of refining in the United States. But Arthur Notman, mining engineer and geologist, takes exception to the Commission's inclusion of Montana in the low cost group. Montana, says he, has the next to the highest cost. This interpretation places Anaconda in a more nearly anomalous position than we found her before. "Averaging (the costs) of Utah and Nevada, the lowest cost geographical unit, with Montana, the next to the highest, is unfair," Mr. Notman writes. "It is my belief that this country can now produce 600,000 tons of copper per annum at 6¾ cents (per pound) before depletion costs are added, and 900,000 tons at 8 cents per pound or under if the lowest cost units are operated at capacity."

What is to be the attitude of the consumer when he confronts the present disparity in costs of the high- and low-yield mines now operating? As this article is written, copper is selling at 4½ cents a pound, with the latest obtainable costs for Arizona at 14.40 cents, and Michigan at 13.85 cents. It is easy to understand the desperation of the producers who would grasp at any seemingly inadequate rise. For if this unfavorable disparity continues to exist, they face other tangible, permanent losses. When a copper operation which is making a profit at a price, say, of eight cents a pound is forced to close down because the price falls to six, it is impossible for that mine to re-open when the price goes back to eight. The re-opening of a closed mine is most expensive business, running sometimes into hundreds of thousands of dollars for damages done by water and collapse.

This is the present situation of cost versus

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price. What is the past history of profit which the companies have to reassure them in their present fright, or to give them philosophic calm should their day of profit be coming to an end?

The Michigan mines to which we have now extended tariff protection have been worked since twenty years before the Civil War. In fifty early years of their operation, they paid out in bond interest and in dividends over $180,000,000, or more than a quarter of the total selling price of their output. In the ten years from 1921, the American-owned mines in North and South America paid out an even higher percentage, an amount well above $725,000,000. Percentages of distribution kept rising, until in 1930, after the depression had set in, they paid out nearly 38½ per cent of sales in profit. The sum paid out by twenty-two major American-owned copper operations for the year 1929 was $159,400,000.

For an analysis of this profit yield I am indebted to Mr. Arthur Notman, mining engineer and geologist, whose excellent article in *Economic Geology* in May provoked me into writing him for further interpretation. He said in a letter of response:

> "Long familiarity with the copper industry has convinced me that the real measure of its profits over a period of years is the amount of distribution to creditors and owners in bond interest and dividends. Earnings which are 'plowed back' are intended to result in increased dividends by a reduction of costs and increase in output or both. When they fail to accomplish either of these results, they merely become an added cost for that period, just as in the case of any other mistake in judgment.
>
> "American-owned industry has returned to its creditors and owners approximately $25.00 out of every $100.00 of sales. The remaining $75.00 has been absorbed in costs. In doing this that section of the industry has grown steadily to more than double its capacity of twenty years ago. . . . It should be remembered that dividends paid out by any mining company are in part a return of capital unless the life of the operation is continually extended by the development or acquisition of new reserves of ore as rapidly as the old reserves are exhausted. The American copper industry has more than done this throughout its history. The financing of this extension of reserves has been accomplished in part by securing new capital from the public, in part by the absorption of new properties through the issue of additional securities, and in part by using earnings which otherwise might have been distributed.
>
> "The percentage of the sales value represented by these distributions is peculiarly interesting because of its relative stability and the fact that when it has risen to 30 per cent or more it has apparently marked the end of a period of prosperity. These periods have also been marked by a price level not based on any definite relation to cost, but merely on the old fallacy of charging all that the traffic will bear. The financial collapse is the inevitable result of the scramble to get all the metal possible out of the mines at the high prices, the search for and development of new sources of supply for such an apparently 'profitable industry,' and a growing obstinacy on the part of consumers to paying what they know to be exorbitant prices."

An incident of those last feverish days of prosperity (analogies of which it would be easy to find, no doubt, in many industries) is the historical — or at least legendary — meeting in which the price of copper, now at its lowest in all time, was stabilized at an untenable, one might almost say, an irrelevant, level. In May, 1929, Copper Exporters, Incorporated, a selling agent which represented 90 per cent of the copper producers of the world, over 70 per cent of whom were American, met and curtailed production and pegged their export prices at 18 cents. They did this under the protection of the Webb Export Act of 1918, which legalizes associations entered into for the sole purpose of engaging in export trade provided they do not enter into conspiracy to fix domestic prices or lessen competition in the United States.

Apparently one of the copper exporters in conglave gathered, after the 18-cent export price had been fixed upon and the lawyers had departed from the room, must have said, "Gentlemen, what a pity it would be if this price should also hold domestically." Whatever the facts of that meeting, the domestic price was held afterwards at 18 cents.

To this chapter one of the low-cost producers attributes the evil days which the high-cost producers are laying to foreign competition. He said, almost as if in collaboration of Mr. Notman's more detached statement, "The high-cost American producers are not the only ones who may be charged with muddle-headedness, for the copper industry as a whole showed the worst possible judgment during the years from the fall of 1928 to the spring of 1931 inclusive. In 1928 and 1929 nearly all of the producers all over the world heavily increased their production and they maintained excessive rates of production until long after signs of deterioration in the copper market had become evident. The price of copper in the spring of 1929 reached a high of 24 cents per pound. It soon dropped to 18 cents and that relatively still very high price was maintained

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by the producers for nearly a year. During that time consumption fell behind production and stocks piled up. The situation became continuously worse until the fall of 1931, when sanity reasserted itself and the copper producers were willing to face realities. As a result of their meetings in New York in October, 1931, and February, 1932, about 90 per cent of the world's copper mines have reduced their production to 20 per cent of capacity with the object of giving consumption a chance to absorb some of the stock on hand. In the curtailment of production lies the real hope and the only possible hope of bringing the copper market back to a healthy condition."

Where the Consumer Comes in

These, then, are the past profit yields, and some intimation of the industry's sense of responsibility toward the wasting assets which are its stock in trade and to the public which is always so prominently mentioned as the beneficiary in any argument for a protective tariff.

From these facts possibly the reader can deduce where it is that the consumer comes in on the copper tariff as on any other tariff, the consumer being that theoretical public for whom tariff bars are erected. From the history of investment profits, he may decide how much the public owes to private ownership in the shape of tariff protection. From an analysis of these costs he may determine what will be the purpose and result in mine depletion of such mine subsidy, and incidentally, what is to be the public's attitude toward its mineral resources. "No other country in the world," says C. K. Leith, a geologist of world reputation, "is drawing on its resources at anything like the rate of the United States. There is a concensus of opinion among engineers and geologists that the not very distant future will make it necessary for us to look outside for a part even of our copper supplies." Shall we use our copper as fast as we can get it out of the ground? Is our object, as tariff proponents so often say, to become self-sufficient for the emergencies of war, or to become conservative against the needs of prospering world peace?

One thing we cannot avoid, in any perusal of the tariff question. We shall always have to rise and confront that frightened specter, the American standard of living.

One wonders, when he regards the simplified outlines of any given tariff project, if we are not too easily blinded by the barrage of words and suitably humanitarian or patriotic emotions which are thrown out by the offensive at the opening moments of a tariff battle. The American standard of living! The rights of the American worker! The old full dinner pail! How readily we have always gone down in any argument before these phrases. It is indeed hard to confute the ideas which they describe, unless we conceive of an international society in which levels of living do not always tend downward. But so also has it become impossible to conceive of a prosperous domestic society without a prosperous world.

If we but listen to the antiphonal chorus of the participants in the copper drama we catch the familiar vernacular of every tariff play. "We will not attempt to compete with breech clout labor," says the domestic producer. ("Now that he too is losing his pants," adds a wicked bystander.) "The Rhodesian producers feed their miners peanuts," says the American producer, pointing an accusing finger. "But they want peanuts. They like peanuts," protests the Rhodesian, in almost plaintive defense. "The African worker is paid only 19 cents a day," says the Arizona producer. "Why is the gentleman from Arizona so suddenly concerned over the welfare of the African? Or of the American laborer, for that matter?" flares up the tariff opponent. "Who is it that wants to get cheap labor from over the border?"

It is quite pertinent to inquire how long this solicitude for the American worker which is written on the banners of all protectionists has been a consideration in copper management. Most certainly it was in abeyance in 1917, when managers and officials of the Copper Queen Consolidated Mining Company (Phelps Dodge) and the Calumet and Arizona Company helped to deport 1186 workers by armed force from Bisbee, Arizona, into the desert and left them for two days with inadequate food and drink. To be sure this was in war-time, and war hysteria has more than this to answer for. But this solicitude seems also to be missing in the lurid hearsay annals of northwestern copper, where, according to the local sagas, union labor has met with violent opposition. It seems even to be missing from the profit sheets.

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But if I have marshalled my facts to draw attention to the producer's goal of profit, a profit either protracted beyond its normal term of life or based upon costs too high to justify protection even in our generously partial society, it is only fair to state that there remain for copper, as for other industries which demand protection, valid considerations. Whether for purposes of conservation, of consumer economy, or of foreign policy, it is both sad and difficult to dispose of a community of people. America's industrial map is spotty with abandoned regions. We have come to regard this phenomenon with equanimity. Lumbermen mowed down the forests and departed, leaving bleak saw-mill villages behind them. The shoe industry of New England moved its center to Saint Louis, apparently without qualm. The textile owners of Massachusetts scout the South for cheaper workers and set up their mills where they find them. The once necessary Appalachian miners, save for what the Quakers give them, starve. Sometimes this waste seems to be the one end-product of such lawless enterprising as America has witnessed. Survival lies not in resuscitation, but in readjustment. Michigan turned from copper to motors, California from gold to Hollywood. Nevada turned from silver to divorces. Cutover country was turned into dairyland. Perhaps Arizona will find herself a staff more permanent than copper.

That is eventual. For the present, since the 21st of June we have had a copper duty. Notman says a tariff cannot be made effective without a conspiracy among the domestic producers to withhold output, and if such a conspiracy were legal, it could not be enforced among companies whose costs vary so widely. But, as we have seen before this, the copper companies have found successful ways of avoiding the consequences of conspiracy. There is prophesy in Wall Street of an early merger of the high- and low-cost companies. Meanwhile the cost of copper goes down steadily. The foreign producers, in whom, for good or evil, lay the hope of world co-operation in restriction of output, have withdrawn from the American conflict. We have yet to see what the tariff can do to the price of copper when, if ever, general well-being sets in its good work, and the consumer can buy again at any price at all. But it seems clear without waiting for that prayed-for day, that the expected benefits of this duty, as of scores of others, are not intended for him, although it seems equally clear that he will pay for it.

Certain casual observations emerge from a study of the copper tariff, as they would emerge from any other tariff study. One is that tariff struggles are one-sided. The offensive is the special interest and the offensive wins the day. Within the group of special interests there may be factions and they will fight it out among themselves. But whatever is decided becomes the congressional course of action. The public will not interfere. It will yield the battle, which it scorns to understand, without touching off a gun. Moreover, we may rest assured that what the tariff lobbyist wants has nothing to do, unless accidentally, with policy or permanence. He demands the smaller and immediate relief at any cost. Fifty years of steady profits meant nothing to the copper magnates when the panic hit them. That a far greater industry than any other involved in tariff — that of foreign trade — has melted away like the very snows under the hot breath of their requests, means even less.

The Ottawa conference has made it more painfully clear than it was before that the American manufacturer set the tariff pace for the world. It was he who laid out the track, shot off the gun, and sped toward the wire of exclusion. When he discovered that his dash was not to be an intramural solo exhibition before his loving alma mater, but a race with powerful contestants, neck and neck to the death, his vanity was hurt and his bewilderment extreme. In that childlike bewilderment there lies for the troubled American citizen some intellectual comfort. It proves that he was not malicious. The disastrous consequences of his conduct are not the less depressing because that conduct was younger than adolescent. But now an international gymnasium has undertaken his schooling. Punishment has already fallen on the young egoist's rear, and upon his carefully protected ears there fall the whispers of an older world. From Ottawa alone, it appears, the American protectionist has heard crass rumors about Santa Claus.

Next Month — an Article by Mark S. Watson on Our Appalling National Debt.

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MR. ASH
On Doles and Things

by **GEORGE WELLINGTON**

"GROUNY'S sick, pap!"

Mr. Ash, appreciating his garden from a place in shade at the side of the house, tilted his chair at a more comfortable angle and gave ready attention to his daughter, Julia Belle.

"He won't eat," Julia Belle complained.

"Feel his stummick," Mr. Ash suggested. "Chances is, that's where the trouble is."

With probing finger Julia Belle inquired at the middle of the half-grown groundhog she had been plying with red clover.

"Ooh! His stummick's as tight as a drum!" she shrilled.

Bill Ash, whose age was six, rolled over twice and solemnly regarded the ailing pet. "I bet he busts," said Bill.

"Oh, he won't bust," Mr. Ash assured his son. "There's a heap of give to any hog's stummick."

"It's only just in his stummick he's tight," Julia Belle told her father. "All the rest of his skin's loose as anything."

A board creaked; Mrs. Ash, an ample woman, looked down from the porch. "Whose skin's loose?" she inquired.

"Grouny's," Julia Belle answered her mother's question. "His stummick's tight, but his skin's loose as anything!"

"I bet he busts," said Bill.

"Lucky we got one tight stummick in this family." There was dark meaning in Mrs. Ash's tone.

Mr. Ash let his gaze wander to a cloud-filled notch in the horizon. "Looks like the garden'll git a soaker," he said.

"Ain't it the taxpayers' flour?" Mrs. Ash demanded.

Mr. Ash gave the clouds serious attention.

"Ain't the Red Cross givin' it out?" Mrs. Ash continued. "Ain't it meant fer people in a fix like us? Ain't we got no depression, too? Look at Min Goss! She gits her relief, don't she? And her with money in the bank! Didn't she tell me so with her own mouth?"

"The bank busted," Mr. Ash reminded. "I reckon Min's up agin it."

"She ain't the only one up agin it!"

"We got a garden," Mr. Ash said, mildly. "We got a garden and layin' hens."

"Look, pap! He's laid hisself out to die!" Julia Belle screamed.

Mr. Ash considered the groundhog where it lay, belly to rock, flat as it could manage, on a smooth stone near the porch steps. "A groundhog is powerful fond of a rock poultice when he's full," he observed. "It's coolin'."

Drawings by Donald McKay

"I bet he busts," said Bill Ash.

"You been crammin' him," Mrs. Ash accused.

"He didn't eat nothing but a piece of cherry pie and a armful of clover," Julia Belle protested.

"It'll be all clover and no pie, next week," Mrs. Ash predicted.

"'Tain't as though it was any trouble to git a sack of flour," she added. "All a body's got to do is say they need it, and the Red Cross hands it right out. Ain't no red tape about it."

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"Trouble is in the figgerin'," said Mr. Ash. "You got to figger close when it comes to needin' something 't somebody else might need more."

"Fiddlesticks! We need it as much as anybody else. Figgerin'! Ain't I spent all my days figgerin' out how to scrape up one meal after the other? It's everybody's flour, ain't it?"

"Trouble is, everybody's a heap of people," said Mr. Ash. "They ain't all got a garden."

"He didn't marry her." A "confessions" magazine slipped to the floor of the porch, as Dolly Ash, with generous indifference to any who might pass in the road, elevated her heels to an arm rest of the porch swing she occupied.

"I knowed it!" said Mrs. Ash. "I knowed it as soon as I laid eyes on his pitcher in the book. I could see her rooin in his look. Anybody could tell he wasn't no provider."

"Chances is, he done the best he could," Mr. Ash interposed.

"Didja ever hear anybody say a top dog only done the best he could?"

"Oh, it ain't much of a platform to run on," Mr. Ash admitted. "Where's Jim?"

"Up at the Jimpsons'."

The storm, which had been gathering at the head of Skunk Hollow, swept down without gentle prelude. There was blasting wind which drove the rain in swishing sheets. Mrs. Ash took account of the gathering in the front room. "Where's Bill?" she demanded.

"Him and Grouny run under the porch," Julia Belle informed her.

"Bill's all right," Mr. Ash assured his wife. "it ain't comin' from that way. Ain't that hail?"

Mrs. Ash's nod was tribute to the fury of the storm. She would not have put it so, nor thought it out, but, in the front room of a shelter which creaked and seemed to weave, Man's trademark, speech, could be but sorry sound when, outside, storm rode supreme — and scattered souvenirs.

Sun shone again. From the porch Mrs. Ash and Mr. Ash, Julia Belle, and Dolly looked upon the havoc wrought. In Mr. Ash's garden, what had been vines were shreds; in place of leafy finery remained but stumps, and stems, and twisted things. Pellets of ice filled every trench.

"Ooh! Look at the garden!" Julia Belle cried.

"Shut up!" her mother directed. "Dolly," she turned to her grown daughter, "see if you still know where the tub is. We got enough ice right here to make ice cream!

"Julie! You trot up to Jimpson's and tell Jim to git down here to turn the freezer. Borry a little vanella from Mame, and tell her I'm goin' to milk Blossom this evening."

As Julia Belle sprang down steps, the appearance of Bill Ash, strolling from beneath the porch, halted her in mid-flight. "We're goin' to have ice cream!" she cried.

"Ice cream! Hot dog! Ice cream!" The veil of cobweb which had been bothering Bill Ash in the vicinity of his chin, no longer mattered.

"How's Grouny?" Julia Belle inquired anxiously.

"Aw, he's all right. He didn't bust. Hot dog! Ice cream!"

"Oh, Julie!" Mr. Ash called after his daughter, who was again in motion, "Ask Mame fer some nutmeg. I always did like a little smidgin of nutmeg on my ice cream."

Next Month — Mr. Ash on the Democrats and Infant Industry.

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An Agnostic's Dilemma

by **HAZEL O'HARA**

I

In the kitchen below me our black Susan as she mops is singing lustily of her old-time religion. I look up from my pale occupation of putting feeble words about life upon paper. Lucky Susan! I wish I had something as comforting and as sensible as that old-time religion of hers to cling to while I make my brief appearance in the sun.

But, alas, it is not for me. I am doomed to travel on in the anemic company of agnostics, forever muttering fretfully like old James Forsyte, "I'm sure I don't know . . . I can't tell." I am a spiritual hybrid. The religious instinct in me is strong and insistent, but I have lost the gods I was taught to worship. I suppose I am technically an agnostic, but in my simple soul there lurks a tender feeling for the church bells pealing across the village green on a Sunday morning. I am a soul without a country. Why? I can only point to those two scapegoats of our psychological era — heredity and environment.

From my Irish Catholic father I inherited (perhaps a behaviorist would quarrel with that verb) a strong tendency toward unquestioning belief flavored with mysticism, ritual, sonorous phrasings, and gold-threaded vestments. Æsthetically I admire a choice salaam before the holy of holies or a good meaty genuflection. Now that is all very well in itself, for the persuasion wished upon me at baptism is well qualified to satisfy those cravings for ornate and sensuous mysticism.

But unfortunately for my spiritual course, my Protestant mother contributed to my make-up a generous pinch of skepticism, and a tendency to unsparing literalness in my interpretation of the human comedy. My mother is a practical and literal woman. This world, with its engrossing business of making the proverbial ends meet, is enough for her to cope with. She will deal with the next world, and practically, I have no doubt, when she gets there. In the meantime, she strictly eschews any religious folderols, any lush or emotional intercourse with the author of our beings. A good, temperate prayer in the privacy of one's chamber is quite all right, but she turns a distrustful eye on the Catholic's prostrations before the Queen of Heaven.

Far be it from me to be unfilial. In the midst of a busy and hard-pressed life my father and mother found the time to present the Democratic party with seven new voters. In the face of such allegiance it would be churlish indeed for me to accuse them of laxity in apportioning their respective ingredients to their children. With the other six, in fact, they were not unsuccessful, but, alas, poor me, I came out a hopeless half-and-half, spiritually speaking.

Half of me a constitutionally timid, gregarious, church-supper sort of creature, eager to be one of the herd, ready to yield my reason and receive peace. The other half a natural-born Protestant and empiricist, a very literal on-looker at life. These two elements are balanced to such a nicety that I belong to no camp at all. My orthodox friends belabor my liberal views. My liberal friends laugh at my high-church tendencies. I am neither fish, flesh, nor fowl, nor good red herring.

It is all most confusing. During a church service my susceptible Irish soul may be enthralled by the seductive blending of form and color and harmony. I soar in ecstasy up and up almost to the Great White Throne. Suddenly the maternal strain will take notice of what is going on and ejaculate scornfully, "What jackass performance is this? Those brawny men cavorting before a little wafer . . . they ought to be ashamed of themselves." With a sigh I drop back to earth and look about me with a sickly smile.

After heredity had done its worst to get me off to a confused start, environment stepped in and finished the job. I was quite young when

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it first dawned on me that all is not charity that goes to church. After Mass on Sunday my brother and I were wont to go down to Aunt Sara's for a visit. Aunt Sara, a good, self-sacrificing, God-fearing woman, who fed us generously, was a hide-bound, bigoted Catholic. She never wholly forgave my father for marrying outside the true fold and as she dished up hearty portions of ham and eggs she would drip innuendoes about the black Protestants.

Sunday afternoons we spent at Aunt Agatha's, my mother's sister. Aunt Agatha, a good, self-sacrificing, God-fearing woman, who also fed us generously, lived in mortal terror of the Pope's imminent landing on American shores to ally himself with the Democratic party and sell the country to the powers of darkness. As she cut the apple pie she would regale us with tales of the dirty doings inside nunneries and monasteries.

The effect of these opposing diatribes, which were no doubt well meant, was to be expected. My brother, more downright than I, announced at the age of twelve that he was through with religion and through he has been ever since. I, always more evasive, simply shopped around among the churches that afforded me the most pleasure. The Baptist Christmas trees still linger in memory among the most glittering spectacles of my childhood. For some reason or other, though, nothing can surpass in glamour those ice cream socials on the lawn of the Congregational Church, with the Japanese lanterns swaying fitfully overhead, the high school girls in their white dresses flitting about, and the soft, dark carpet of grass beneath our slippered feet. To be able to go back again just for one night! For genuine religion, however, I preferred the Holy Rollers to any other sect and sneaked up to that church whenever I got a chance to do so.

During adolescence I was suddenly engulfed by a tidal wave of mysticism.

O young Mariner,
Down to the haven,
Call your companions,
Launch your vessel
And crowd your canvas,
And, ere it vanishes
Over the margin,
After it, follow it,
Follow the Gleam.

That sort of thing. But that wasn't the worst. The zeal of the reformer beamed from my mild blue eye. The Lord Himself had called me, had commissioned me to save my graceless family from the fires of hell which were so surely burning for them. What a nuisance I was! But what a glorious time I had! The prayers I prayed. The godly books I left lying about. The pious platitudes I dripped amongst the profane remarks of my brothers. The sweet cross I bore in that ribald company.

II

You can see that I was naïve. To me white was white, and right was right, and the one true faith was the one true faith. My first intimation of the fly in the spiritual ointment came when I entered college. I joined the Newman Club, an association of Catholic students, and my parochial nature was stimulated to the point of flag-waving at being one of God's select group in that institution of higher learning. Then I discovered Mamie, a colored girl from Alabama, and found to my delight that she embraced our creed. Well, Mamie must come to the Newman Club. My friends of the one true faith hooted. What! A colored girl at our meetings! Could I imagine the boys dancing with her? That rather took my breath away. Could I imagine my own particular swain dancing with her? Conceivably, my sensibilities would not be at all offended if in the next world I should see him genially leading her off in a stately saraband, but in this world . . . well. . . .

I dropped the matter, but my undergraduate soul was really quite puzzled. If people like Mamie were to be barred from our sophisticated company it hardly seemed sporting to me that we should send missionaries to the four corners of the world to invite the heathen to join our sophisticated church.

What with one thing and another I emerged from college an atheist. A most obnoxious one. My poor friends! What have they not suffered from my mistaken zeal.

One noon at the office, I recall, I became involved in an argument over the efficacy of prayer. My opponents stoutly declared that verily the Lord would lend ear and answer any earnest prayer. To put the matter to the test I thereupon offered up the altruistic petition that when the general manager came back from lunch he would let us all go for the afternoon.

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You can imagine the cries of "Blasphemer." You can also imagine my complacent delight when the general manager telephoned that he was going to play golf that afternoon.

That happy, dogmatic time also passed, and I entered upon the vacillating, troubled state which I now occupy. This agnosticism on a tether is most exasperating. I can neither run with the hare nor hunt with the hounds. A shade more romanticism and I could steep myself in all the rich panoply of Catholicism and be wafted through life on an incense-laden breeze. A dash more of skepticism and I could turn my back on all the ecclesiastical junketings and be as satisfied as man can be in this imperfect world. Really, my father and mother should have been more careful.

Sometimes I get quite upset over my backings and fillings. A death in my circle of acquaintances not long ago made me stop and wonder how I should die. Would I drift out easily and fearlessly, a stout agnostic to the last? Or would I be wrenched from my moorings yelling and shouting for all the ecclesiastical homeopathy that could be produced? To tell the truth, I was afraid . . . afraid. . . .

But, I ask you, what can I do about it? I cannot purge myself of this Victorian urge toward discussing my unforgivable sins with red-faced, youngish clergymen. Neither can I get rid of that upstart literal strain, that acceptance of the inevitable result from the natural cause without benefit of clergy. I can only wobble miserably back and forth. One evening I may hear a stirring sermon on death and eternal punishment by a Dominican orator and shiver gloriously at the idea of being a precious brand to be plucked from the burning. But the next morning I am sure to wake with a dreadful hangover and the conviction that I have been rather a fool.

Sometimes I say, "Now hang it all, I'm going to stop this. I'm going to make up my mind once and for all." In this mood one evening I ventured the opinion that the best way to get through life was to follow the teachings of the Church, take it for granted that you were all set for the next world, and stop fussing. Instantly one of my friends exclaimed, "In that case you would be damned anyhow on the sin of presumption!"

And so it goes on. I have a constant crick in my neck from trying to look both ways at once. Only occasionally have I a little peace. Last summer while traveling in Ireland that romantic land exerted a powerful influence upon my Celtic temperament. Those women in dark shawls clattering up the streets to early mass. I felt a subtle kinship with them. Those old men bending the knee before a shrine. For the rest of my life, I vowed, I would follow the pleasant path of the conformer and be happy.

This resolution was shattered on my voyage home. As I looked up from my tourist quarters and beheld several members of the clergy gazing down at us from the first-class deck, I reacted as my mother would have reacted, and the thought flashed through my mind, "The best is none too good for the priests of Christ." I am not condemning them for traveling in any style which they see fit. I am merely mentioning that it seemed to me rather amusing that while the alleged Real Presence of Christ in the Holy Sacrifice of the Mass was relegated to a corner of the tiny third-class saloon, the officiating priests, after eating and drinking of the holy body and blood, returned not a whit perturbed to the comforts of their luxurious quarters.

Apropos of this point of view, I delighted in a story which a friend passed on to me the other day. It is one of those stories which may or may not be true, but which admirably illustrates a point. It seems a certain Father Hogan at her church was lecturing a young girl for powdering her nose. "My dear young lady," he expostulated from the height of his priestly authority, "do you think it's quite fitting to carry a compact to church? Don't you know that the Blessed Virgin Mary never used a compact?" "Yes," returned the girl, "and Jesus Christ never rode around in a Packard."

III

IT IS APPARENT that my quarrel is not with dogma. My critical (and I hope that doesn't sound conceited) attitude toward the church rests upon no fine-spun quibbling over this or that point of theology, and is made up of nothing more violent than disappointment, impatience, and sometimes a little distaste. For one thing, I cannot stomach the pious claptrap that one hears from the pulpit. Consider this as an example, culled from the résumé of sermons which appears every Monday in our morning paper: "Capitalism is at best a very

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poor form of civilization . . . we should pray to God every day to forgive us for having been born in the capitalistic age."

I wonder, are we supposed to take that sort of thing seriously? I can't for the life of me imagine praying for forgiveness because I happened to be born in this twentieth century. I didn't have anything to say about it and I'm not going to ask for forgiveness.

But it would be foolish, of course, to discard one's faith because of the mouthings and prancings of the all-too-human men of God. I have never really chosen to discard mine. It just happened. The fundamental reason, I suppose, is that my nature is such that I cannot reconcile the idea of a personal God with the life which my environment has shown to me.

I have seen plenty of men and women at the mercy of ungovernable forces, but I have never known a single case of divine intervention in human affairs. We are tossed into the world to make our way as best we can with the mental, emotional, and physical equipment accorded us. If this equipment be inadequate to help us realize our aspirations, to make our lives beautiful, to bring us happiness and peace, why then it is just too bad. The fault, dear Brutus, lies not in our stars but in our ductless glands. It may be that we are all part of a great plan infinitely beyond our comprehension, but in the light of a great plan in which our very small miseries and frustrations amount to nothing at all the whole Christian panorama — the fall of man, the suffering God, the atoning Christ — takes on a decidedly stagey character.

I know that many people, much wiser and better than I shall ever be, do not find it so. In the midst of all the welter they can hold to the belief in a personal God. But I cannot. Even the conversion of a Chesterton does not convince me. I hopefully read Mr. Chesterton's "The Thing, or Why I am a Catholic." I delighted in his sparkling paradoxes, his subtle analogies, his whole bright array of verbiage. But I did not gain the impression that a great intellect had humbly found its God. Rather it seemed to me that Mr. Chesterton had found a new toy for his agile mind to play with.

In the dark hulk of a mountain squatting on the horizon . . . in the straight young body of a tamarack tree on a frosty night, its dark hands spread against the pale sky . . . in the loyal eyes of my Collie pup . . . in the flying hoofs of a horse . . . in the tiny fingernails on the hands of my young nephew . . . in all these things I recognize something — Creator, God, Cosmic Force, what-you-will — with an imagination of breathless scope and an eye for the exquisite detail. But we do not put quarters on the plate every Sunday for a Cosmic Force. We need our personal God. The church assures us of His existence. But in the thwarted, warped, vainly-striving, unhappy lives of men and women I have known I cannot find the merciful Father, mindful of our good and of our happiness. I see only a system that has been set into motion, beautiful in spots, amazing, yes, intriguing and funny and delightful — but grindingly remorseless.

All those unhappy men and women. On the streets, in factories, in offices, stores, and homes. The world is full of them. You cannot escape their tired, harassed faces, their questioning eyes, their bitter lips. You know what harasses them. The appetites, the cruel environments, the unfortunate, unexplainable laws of chance, the frailties of body and mind. This office worker who dreams wistfully of travel, but who will never make more than thirty dollars a week. His business talents are inadequate for his cultured, appreciative mind. This woman who loves beauty and an orderly life and lives with a surly drunken brute. For him too have pity; it is the only escape his fumbling mind can conceive from a dreadful reality. This poor devil shuffling from factory to factory, looking for work when there is no work to be had. This girl with the monstrously ugly nose suffering over a man who never in this world could love so imperfect a creature as she.

Is there a merciful Father to mend her ugly nose so that she may attain her happiness? Ah, no, we're wise enough to say, that's impossible. If she can't afford a plastic surgeon, then she's just out of luck.

And yet I find another preacher saying this: "God suffers when we are unhappy. Since the higher the form of being the greater the capacity for suffering, it necessarily follows that He suffers infinitely more than we do."

Just what are we to infer from this? That He sits there on his Great White Throne suffering hopelessly on? Or that He can and will help us?

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And if the latter, can He not work magic on an ugly nose as well as on something else?

But that, of course, is foolery. I am sensible enough to know that God cannot flout his physical laws by reforming ugly noses right and left. I also suspect that when we are all wiser in the ways of psychological, sociological, and economic laws we shall know instinctively that neither can He flout those. Then we shall cease our prayers for better jobs, for luck in our business ventures, for that trip abroad, for the reform of our erring menfolk, which will mean that we shall cease praying altogether, for of such stuff are our prayers made. Then what wise, comfortless people we shall be. I shan't like that world at all. I like my miracles and I like them strong.

IV

"Well," I hear someone asking rather impatiently, "what's all this about? What is she trying to sell? Why can't she take her religion or let it alone like thousands of other people?"

I'm sure I don't know why I cannot. It is the unhappy paradox of my life that I like the church and the religion of Christ but do not believe in that religion. Certainly I would hate to live in a church-less world.

I like specifically the Catholic Church. The Protestant churches seem to me cold and austere, although I recognize that to a person with a different nature that coldness and austerity are satisfying, while the pagan richness of the Roman faith is repelling.

I like the aristocratic old face of the Church. I like her thin, veined hands, her proud carriage, her brocaded garments. I like her dowager-like carrying on of tradition and ceremonies.

In my rather barren adolescence she furnished me with something emotionally satisfying — a picture of man worshiping his God with grandeur. In all good faith she taught me to believe as she believes. I do not blame her now if her teachings have failed to solve my own personal problem of happiness. In this world of smoky skylines, belching iron monsters running about the earth, and bowed, grimy men going to and from work I need the grace of her movements, the pomp and circumstance of her life. Often it occurs to me that I am like the man who, while insisting on going his own devious ways, demands, quite unreasonably, that his home and his womenfolk remain true to tradition.

Always during Holy Week the passion and grandeur of the services bring me joy and a sense of beauty. The mournful cadences of the tenebrae. The childlike beauty and trust of Holy Thursday. The stormy drama of Good Friday, with the statues shrouded in purple, the Tabernacles open and empty. I seem to draw close to some mysterious good, some eternal truth, when suddenly I think, "How do I know this is true? Other religions have had their young gods born of virgins and suffering death for mankind. It is all very beautiful . . . these hallowed interiors . . . these mournful chants . . . these sublime words. But outside life is going on its same old relentless, unhappy way. This won't change it.

Why can't I be sensible, like Moriarity, for instance, who keeps his faith and his worldliness each in its separate compartment? Moriarity is well known in our neighborhood. A few years ago he was injured while working and took to bed with symptoms that baffled the doctors. Apparently, they agreed, he would be a cripple for the rest of his life. Moriarity sued the company and collected some twenty thousand dollars.

For a whole year after receiving the settlement Moriarity hobbled about on crutches, an appealing fellow when one thought of the fine figure of a man he had once been. Then he decided to give faith a chance and journeyed to Canada to the shrine of the merciful St. Anne de Beaupré.

Those of you who have been there will recall that sad company of afflicted come to pray at the feet of this good saint. Moriarity, that handsome fellow on crutches, hobbled up to the shrine, lowered himself painfully to his knees, and gazed up into the face of the compassionate saint. And lo, for him a miracle did indeed take place. With a shout of ecstasy he threw aside his crutches and rose up a well and strong man. Then he took the twenty thousand dollars and went out to enjoy life.

Lucky Moriarity! Nevermore to have to work. Was it really faith? Or was it superb shrewdness? Or might it have been a sensible blending of the two? I'm sure I don't know. . . . I can't tell. . . . But twenty thousand dollars!

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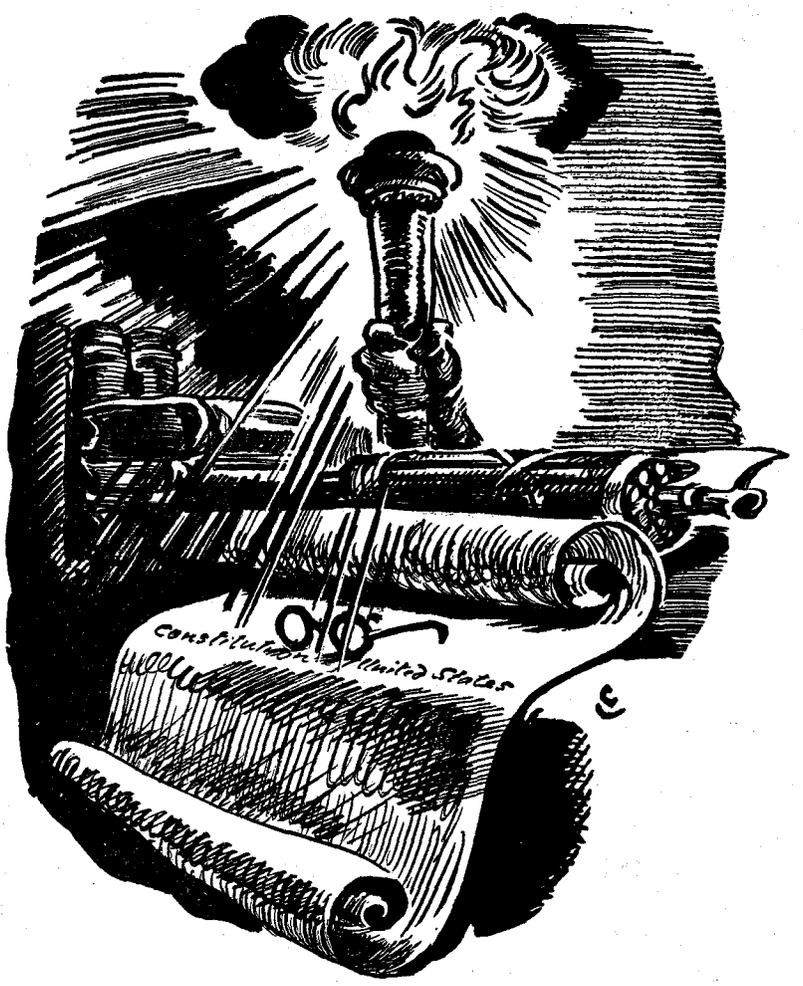
Wake Up, Supreme Court!

The 18th Amendment Violates the Constitution



by **JOSEPH PERCIVAL POLLARD**

I

FEDERAL JUDGE William Clark, in *United States* v *Sprague*, December 16, 1930, annulled the Eighteenth Amendment because it had been adopted by state legislatures instead of state conventions. He said:

> "Even if this opinion meets with a cold reception in the appellate courts, we hope that it will at least have the effect of focusing the country's thought upon the neglected method of considering Constitutional amendments in conventions."

A year and a half after the above utterance, the country's thought was very decidedly focused on the prospect of constitutional conventions called to consider the adoption of a new amendment repealing or drastically modifying the Eighteenth. Two great political parties met in Chicago in June, took action on the burning political issue of Prohibition, and promised the country that something would be done to relieve present intolerable conditions.* The mildly wet Republican plank (wet because

* The political conventions in June engendered considerable loose thinking about "Repeal" and "Resubmission." Proposals for either modification or repeal involve "Resubmission."

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it advocated the return of state liquor control, mild because it advocated the retention of some federal control) proposed an amendment to be "submitted to the states by Congress to be acted upon by state conventions called for that sole purpose and adequately safeguarded so as to be truly representative." The extremely wet Democratic plank proposed an out-and-out repeal amendment to be acted on "by truly representative conventions in the states called to act solely on that proposal." Thus both parties, however they differed on the wording of the new amendment, agreed that it should be submitted to state conventions instead of state legislatures for approval. Every previous amendment to the federal Constitution has been adopted by state legislatures. Why conventions now?

II

THE ANSWER lies in the exciting story of American constitutional history, in the rise and fall of the democratic ideal as it has been fought and bled for since British colonies became sovereign American states. It begins in that crisis which confronted the people of the provinces when they bade the crown governors go back to England, when they were called upon to set up independent governments of their own. The provincial assemblies had enjoyed a fair measure of self-government, but they were not the bodies to be entrusted with the all-important task of framing the new state structures. They were not to be entrusted because they were general agents of the people under the old régime, rather than special agents directly chosen with reference to the single, explicit, and far-reaching issue of forming an independent government. When the existing legislature of Massachusetts attempted to frame a constitution, the electorate indignantly rejected it. A typical protest was the resolution passed by the town of Concord in 1776:

> "That the Supreme Legislative are by no means a body proper to form and establish a Constitution, or Form of Government; because we conceive that a Constitution in its proper idea intends a system of principles established to secure the subject, in the possession and enjoyment of their rights and privileges, against any encroachments of the governing part."

Similarly when the New Hampshire assembly adopted a temporary constitution on January 5, 1776, the town of Portsmouth immediately protested:

> "We would have wished to have had the minds of the People fully taken on such a Momentous Concernment, and to have known the Plan before it was Adopted, and carried into Execution, which is their Inherent Right."

As a result of this alarm over legislative action, constitutional conventions came into being, and state governments were formed. These early written constitutions, changed though they have been to meet new needs, still form the basis of the modern state structure, and still point the need of direct popular action in changing their provisions. In the important matter of framing and adopting state constitutions to-day (they consist more and more of restrictions upon possible legislative excesses) the legislature is powerless to act. For any complete revision, conventions still have to be called — New York requires the calling of one every twenty years — and for amendments the legislature must submit the proposal to the voters. Yet the most troublesome amendment in the *federal* Constitution — the Eighteenth — was put there by the very bodies the citizens are so anxious to limit in state affairs.

As the crisis of revolution produced the states, so the crisis of internal dissension produced the nation. The building of a strong central government meant the yielding of individual rights and state powers, and was too important a step to be taken by mere legislators, elected to office on other and less important issues and shackled with the obvious disabilities of the professional politician. So the states were summoned to send carefully chosen delegates to Philadelphia in May of 1787 to evolve a federal Constitution. The magnificent document born of their deliberations had to be ratified by nine of the states before attaining validity. By the state legislatures? Not at all. By conventions specially called to pass upon the momentous question. As John Marshall said in discussing the adoption of the Constitution in his opinion in the great case of *McCullough* v *Maryland:*

> "The instrument was submitted to the people. They acted upon it in the only manner in which they can act safely, effectively, and wisely on such a subject, by assembling in convention."

Marshall himself, in the Virginia ratifying convention, had been one of the keen political

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minds bent to the task of adopting that Constitution which, except for the foolish amendments of later generations, has stood through the years without serious challenge.

In Article Five of that document the manner of making future amendments was provided for. Congress was to propose the amendment, which should be valid "when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress." The bare statement of this alternative method was beyond doubt impelled by the thought that the future Congress could be trusted to recommend the appropriate mode — state legislatures being competent to ratify mere procedural changes in the framework of the federal system (such as the manner of electing federal officers), while changes of substance, such as giving new power over citizens to the federal arm, would have to be done in conventions, like the original grants of power to state and nation. Unfortunately the Framers did not qualify their words to clarify their meaning.

So the legislative method came into early use when the first Congress submitted the first ten amendments to state legislatures for approval. The first eight of these were the Bill of Rights, while nine and ten emphasized the states' reserved powers. The inestimable importance of these provisions would certainly have called for their adoption by specially-called conventions but for the fact that they were really a part of the Constitution itself, clamored for in such a way that Federalist leaders had to guarantee their prompt annexing in order to win the adoption of the main instrument. Virginia would never have ratified the Constitution without the assurance of a Bill of Rights, and Virginia was not alone in reluctance. Ratifying these amendments, then, was the merely formal act of ratifying a previous convention-made agreement, and to save time and expense, quietly and without opposition, it was done by the legislatures.

But a harmful precedent was started, as we shall see. For while the will of the people was happily and successfully expressed in constitutional conventions in the two crises that resulted first in the birth of the states and then of the nation, in the third crisis, the Civil War, and the fourth, the World War, the will of the people was flagrantly flouted. The Reconstruction Amendments were forced into the Constitution by northern radicals in Congress and by their puppet carpet-bag legislatures in the southern states. The Eighteenth Amendment was written into the Constitution by a Congress distracted by war and goaded by the Anti-Saloon League, and by unrepresentative state legislatures wholly subservient to the League's wishes. As neat a contrast between the good to be derived from representative government and the harm resulting from picayune legislative activity as is to be found in the history of democracy.

You will recall that the Fourteenth Amendment, while granting civil rights to the negro freed by the Thirteenth, also humiliated the southern people by disfranchising their civil and military leaders. It was indignantly rejected by the southern states when first sought to be foisted upon them. This rejection fanned the fires of radical wrath, and the Stevens-Sumner crowd immediately passed the harsh Reconstruction Acts, dividing the South into military districts and providing for the setting up of new state governments under the auspices of carpet-baggers, freedmen, and local scalawags. When these new governments were formed, and new legislatures established, from which were excluded the courageous and brainy men so representative of the thought and spirit of the South, Congress felt safe in again submitting the Fourteenth Amendment for ratification. Of course it was ratified by the mongrel legislatures under the protection of northern bayonets, and so was the Fifteenth Amendment, expressly giving the right of suffrage to the negro.

III

THE PARALLEL between the adoption of the Reconstruction Amendments and the abusive installation of the Prohibition Amendment is a close one. For years before the World War the Anti-Saloon League had worked to put their moral reform into the Constitution, had seen to the election of dry Congressmen in the hope that they would propose an anti-drink amendment. They spent millions of dollars, took over the Protestant churches as media for the dissemination of propaganda, and intimidated political candidates into thinking they controlled the votes, whether they had

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control or not. They met with marked success in their encounter with the peculiar minds of politicians, and even before the war had built up an impressive list of dry-voting Congressmen and state legislators. The war gave them their golden chance for constitutional consummation. Foodstuffs were needed by brewers and distillers, but there was not enough to go around in the hour of peril, so brewers should be banned. And did not most brewers have German names, now anathema?

So the resolution embodying the Amendment was rushed before Congress in the summer of 1917. At the same time American business men were urged to impress Congress with the need for action. The storm of telegrams which broke upon the Congressional debate routed the distracted opponents of the measure, but was hardly representative of the people's will. It seemed that of thousands of letters sent by the League requesting the aid of business men, only ten per cent responded favorably. From this ten per cent were selected the men now urged to wire Congress to put over the Amendment. Let one of the League leaders himself tell the story of the resulting triumph:

> "We blocked the telegraph wires in Washington for three days. One of our friends sent seventy-five telegrams, each signed differently with the name of one of his subordinates. The campaign was successful. Congress surrendered. The first to bear the white flag was Senator Warren Harding of Ohio. He told us frankly he was opposed to the amendment, but since it was apparent from the telegrams that the business world was demanding it he would submerge his own opinion and vote for submission."

Thus was the Eighteenth Amendment made ready for ratification — that is, to fall easy prey to the League-packed state legislatures. For Wayne Wheeler, in drafting the Amendment, had taken particular care that state legislatures should deal with this matter, "as the Constitution provides." The alternative method of Article Five — that of calling special state conventions, needed now, if it ever were needed, to reflect the true will of American citizens on this revolutionary yielding of individual and state rights — was very carefully avoided.

The legislatures promptly ratified, and the greatest blunder in our constitutional history was perpetrated. For it soon became apparent how badly twisted was the democratic ideal of representative government. It became apparent that the Framers were right in doubting the worth of legislatures as constitution-makers. Conventions, wisely used in 1787–89 because of the supreme importance of giving power over the people to a new government, were no less necessary in 1918–19 when added powers were given to the federal arm, powers that the Framers would have denied to any government — those over the personal behavior of citizens.

IV

That conventions should have been used is proved by many instances of variance between the people's will and the actions of the ratifying legislatures. Consider the first state to ratify — Mississippi. Dry though it was, the fact that both houses of its legislature ratified the Eighteenth Amendment in the short space of fifteen minutes shows that the deliberation needed for the solemn adoption of such a liberty-restraining amendment had been lost sight of in the ballyhoo of false patriotism sent up by the shrewd workers of the League. There was no fifteen-minute rush in the wet, Latin state of Louisiana, across the river. There the legislature had to be twice convened for the purpose of voting on the Amendment, but it finally yielded. "If the final vote of the legislature represents the sentiment of Louisiana," said a metropolitan journal, "the Pelican is a greatly transmuted bird."

What of the wet states of the North, with large towns and industrial centers? In Massachusetts a patriot had the temerity to suggest a referendum of the people, but a dry governor promptly downed the idea. A referendum in New York would have shown the populace clearly hostile to ratification, but the dry Governor Whitman prevented the proposed move. Even so, ratification seemed impossible, for the state senate was obviously wet. But the New York Anti-Saloon League, bent on winning the wettest and greatest of states, hurdled that obstacle by making ratification a political party issue, by persuading a caucus of Republican Senators to commit *all* the Republicans to vote dry, though the minority of Republican wets together with the wet Democrats would have defeated the Amendment. And in Illinois, as in New York, the traditional rivalry between urban wets and rural drys, with an outmoded system of legislative apportionment favoring the rural districts, made it

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easy for the League to dictate its dry policy to the wet city of Chicago.

Wisconsin furnishes a striking example of political pressure and war fervor at odds with the wholesome sentiments of the community. The German beer-drinking populace of that state would never have approved of the Eighteenth Amendment, yet the legislature ratified. The state superintendent of the Anti-Saloon League tells how it happened:

> "We used a million book pages of literature per month. We put on a country schoolhouse campaign. We put factory experts to speak in the factories and got the companies to pay the men for listening. We sold the factories billboards and posters which were changed bi-weekly, and a monthly educational tract in tabloid form which went into the pay envelopes. We organized the drys in every county. We helped to select dry legislative candidates who could get votes. We listed the voters who habitually failed to vote in the primary, divided them into blocks of five, put a dry corporal over each five, and got these stay-at-homes to the polls on the primary day, knowing who was the dry candidate for senate and assembly, and absolutely pledged to vote for them. We staged the biggest demonstration in Madison the state has ever seen. We ratified. And in the archives at Washington, Wisconsin was one of the thirty-six. We put it over."

In sad contrast to this ecstatic report, bearing witness to the effect of the League's tireless efforts, is this editorial in a Wisconsin daily:

> "There was little discussion of the wet and dry issue before the election of our legislature in 1918. Dry legislators were sneaked in all over the state under false masks. The state was notoriously wet instead of dry. The millions spent here by the Anti-Saloon League to lift into office 133 dry senators and assemblymen (wearing wet faces) was for the sole purpose of defeating the people's will. . . . The 1914, 1916, and 1918 elections of dry legislators in wet districts were rotten and enabled the drys to muster a majority for ratification of the Eighteenth Amendment. With state conventions voting on it everybody knows the amendment would have been lost. Even the drys admit that. Our Great Refuge has failed us."

Even the wholesome provisions of state constitutions requiring legislatures passing on federal amendments to be elected *after* the amendment is submitted, were ignored in the fury of the ratifying race. Tennessee and Florida had such provisions, but it meant nothing, and the prior-elected lawgivers, who had probably campaigned on the remote issue of placing jay birds under peace bonds, were permitted to pass upon the great Amendment. The people of Ohio, fearful of the action of their legislature, took the wise precaution of amending their state constitution in 1918 to require that any ratification of a federal amendment by their legislature should be submitted to a referendum of the people. Ohio, the home of the Anti-Saloon League, the battleground of many liquor struggles between rural and city communities, knew this was the only sure way to obtain representative government. And what happened? The legislature ratified the Amendment, and the people by referendum repudiated it. Thus in the only state where the people themselves had an opportunity to pass on the question, they voted contrary to legislation.

V

After the war had receded into history, people came to realize more and more what state legislators had done to the once revered Constitution. Crime and death and waste and corruption cannot be ignored, especially if committed under the auspices of the Great Charter. In 1926, eight years after the dry victory, some official referendums were taken on the ever-vexing problem. The state of Illinois went wet by a vote of two to one. The people of New York voting on a similar referendum expressed their disapproval of the liquor law by a vote of three to one. And Nevada, significant as a reservoir of modern personal liberties, opposed retention of the Eighteenth Amendment by almost four to one. And these were not straw votes; they were taken under solemn governmental process — back in 1926, long before the present wet whirlwind.

Meanwhile attempts had been made to challenge the Amendment's validity in the courts, and brilliant arguments revealed the folly of writing a mere police regulation into the fundamental law of the land. But the Supreme Court refused to intervene. It made no difference what kind of an amendment was adopted, said the judges, provided it was adopted according to Article Five, and as three-fourths of the state legislatures had ratified, it was entitled to as much weight as any other part of the Constitution — more, in fact, as the judges were to show in glorifying it later at the expense of the Bill of Rights. That the Court was shortsighted in failing to appraise the nature of the Amendment as one demanding the people's approval was shown not only in their decision in *Rhode Island* v.

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Palmer, sustaining its validity against the attacks of Elihu Root and other legal giants, but also in the decision in *Hawke* v *Smith*. That case rendered void the Ohio referendum above referred to, where the people deliberately vetoed the ratifying action of the legislature. The Supreme Court held that a mere state could not say how a federal amendment should be adopted, that Article Five controlled absolutely, that Article Five said "legislature," and "legislature" did not mean "people." Here was a striking example of the tendency of judges to look at written words as though they were in a dictionary, wholly apart from the context of surrounding circumstances, purpose, and history. But Judge Clark had not yet appeared upon the scene.

For ten years the Eighteenth Amendment dwelt serenely in the Constitution under the protection and approval of the Supreme Court. Then the bombshell burst. On December 16, 1930, a young federal judge boldly announced that the Amendment was void because it had been ratified by state legislatures instead of by conventions specially called for that purpose. Here at last was the savior of the Constitution. In the interest of representative government, and fully aware of the whole sordid story which lay behind the written record, he defied his superior judges, upbraided them for what he called their "tired-eye" scrutiny of the Constitution, and pointed out that the words of Article Five should be read in the light of history and science instead of legal unrealities. Scholarly research in the wisdom of such political thinkers as Jameson, Bryce, and Burgess fortified his conviction that the Eighteenth Amendment, virtually remaking the Constitution, yielding power over the citizen to the Federal Government just as the original Constitution did, should be adopted just as that Constitution was — in convention. The bare expression of alternative methods in Article Five should accordingly be read in the light of the method most appropriate for adopting such a unique and disturbing amendment as the Eighteenth. So although Congress has the choice of proposing amendments to legislatures *or* conventions, it means Congress *must* propose this type of amendment to conventions:

> "Political science can give only one answer to the question presented by the alternative methods of ratification prescribed by Article Five. If the amendment to be considered is one designed to transfer to the United States powers heretofore reserved to the States or to the people that answer must be in favor of the convention method. This follows from the character of such amendments and from the character of the delegates to and deliberations in a constitutional convention, as compared with the corresponding character of the personnel of state legislatures and their deliberations. We hope that the fundamental nature of the transfer of additional power to the Federal Government has been made sufficiently plain by the previous exposition of our Federal system, with its shibboleths of local self-government and popular sovereignty."

A brave step to take ten years after the Supreme Court had applauded the adoption of the Eighteenth Amendment, and one for which the American people should be grateful to Judge Clark. It was doomed to prompt reversal — the Supreme Court made short work of his monumental 15,000-word treatise on American government, holding to the view that no nonsense of interpretation was needed to get the plain meaning of plain words — but what if it was? Officially wrong as a matter of law, Judge Clark had put the point over, just as a clever trial lawyer puts a prejudicial point before the jury and then sees it stricken from the record. Something would come of it, and that something would be the Amendment's repeal.

One man, and he a federal judge, had seemed to remember that a crisis in democracy has always demanded solution by the people of the democracy, and that when the people are thrust aside by the surpassing presence of dominating groups, the solution is a bad one. The Fourteenth Amendment, humiliating the people of the South, has retarded our spiritual progress, marred sectional harmony, and aided big business at the expense of state regulation because of the modern judicial interpretation of its "due process" clause. Professor John Burgess had the Fourteenth Amendment in mind when he pleaded that our country be "truthfully organized," and his words apply with even greater force to the Eighteenth:

> "The amending clause is the most important part of the Constitution. Upon its truthfulness — *i. e.* its correspondence with real and natural conditions — depends the question as to whether the State shall develop with peaceable continuity or shall suffer alternations of stagnation, retrogression, and revolution. A Constitution, which may be imperfect and erroneous in other parts, can be easily supplemented

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and corrected, if only the State be truthfully organized in the Constitution; but if this be not accomplished, error will accumulate until nothing short of revolution will save the life of the State."

Because Judge Clark realized the importance of the proper use of the amending clause, because he had the wit and courage to use his judicial position to perform an act of statesmanship and high policy, the mounting threat of revolution against the usurping liquor amendment is dissolving in the orderly progress of constitutional change.

For if no one heeded the damage done by the wrongful method before Judge Clark startled the nation, plenty of men saw it afterward and resolved upon correction. The Wickersham Commission did not bring out its comprehensive report until some time after the Clark decision. That report deplored the fact that ratification had been given by legislatures suffering from war fever, not elected with reference to the subject, and not regarded as representative of the community. Several of the commissioners in their separate reports specifically advocated a new amendment to be adopted by specially-called conventions. Chairman Wickersham said:

"If a proposed amendment simply repealing the Eighteenth Amendment were to be passed by the requisite majorities in Congress and submitted to the States, to be considered by Conventions called for the purpose in each State . . . we should have intelligent discussions of the question and a result which would reflect the sober, informed, and deliberate opinion of the people."

Judge Paul McCormick favored similar action, deploring the fact that "the public attitude has never been directly expressed through legal processes." Even Judge William S. Kenyon, a life-long dry and co-author of the Webb-Kenyon Act of 1913 forbidding the shipment of liquor into dry states, announced that the people should determine what they wanted, through conventions called to pass on the ratification of a new repealing amendment.

Judge Clark started the ball rolling, and the Commissioners shoved it along. With increasing speed it goes on to its ultimate goal of popular sovereignty (whether wet or dry) such as the Framers contemplated. The current clamor for repeal itself is only surpassed by the demand that any important constitutional change be made hereafter by the people themselves in convention assembled. Of the various proposals suggested the convention method is the only one considered for their adoption. It shows the grip a referendum has upon the hearts of people who are, after all, after meek submission to the wiles of bigots, after an inexcusable complacency and lack of interest in the plain mandates of the Constitution, the descendants and political heirs of those who laid the foundations.

A change in the fundamental law is about to be made — without war, without fanaticism, and without state legislatures. That change will reflect in large measure the wisdom of the man whose views so influenced the country's founders — John Locke, who wrote in his *Treatise on Civil Government*, "The community perpetually retains a supreme power of saving themselves from the attempts and designs of anybody, even of their legislators, whenever they shall be so foolish or so wicked as to lay and carry on designs against the liberties and properties of the subject."

The new amendment will be submitted to constitutional conventions for adoption. And representative government in the United States will again become a happy reality.

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The Plight of the Landlords

by **F. E. ORSINO**

THESE have been bad years for the man who had anything — real estate, stocks, bonds, peanut brittle, or collar buttons. The natural distresses of one's existence, one's stomach, one's wife, and one's pocketbook have been aggravated by the thousand and one troubles of downward times. Happiness and contentment have fled the country, leaving nothing but death and taxes. I am one of those who have managed to survive the uproar with a folding bed and my own breadline soup bowl, neither to be sniffed at in circumstances where men are going at a dime a dozen and suicides litter the land.

My sin was owning property. I was a landlord. For landlords, things began cracking down in 1924 and continued with crescendo climaxes during all those years when stock and bond holders were under the delusion that they were living on interest and dividends. I suppose when they came crashing down in 1929, one who had been in hot water half a decade before them might have derived a certain sadistic joy in the spectacle, but I am no sadist. My attention was riveted then, as it is now, on watching thirty years of thrift and sacrifice going straight to hell.

I have watched property values going to pieces, taking their owners with them, for a long time. I have listened to so many stories of collapse that it seemed the world must stop in shame. I have seen dozens of men — honest, worth-while, law-abiding men, with only good will in their hearts, slowly going out of their minds fighting to hold together the fruits of their struggle and toil. Brought down at last, weary and sickened, I have watched them lose interest in their families, their friends, themselves, and the world around them — victims of a rapacious set-up wherein the man with a mite, so far from being protected and encouraged, is made the victim of a thousand taxes and special burdens until, drained dry, he collapses like an empty sack.

The ownership of property for almost the last ten years has come down to being an unpaid agent for the collection of governmental taxes. The owner, the landlord, has become a small collector blasting fractional rent from irate tenants, and passing this money, practically *in toto*, to the government semi-annually. He has not dared touch it for his own need for many a year and, in fact, counts himself lucky if he does not have to add to it out of his own pocket. Increasingly, this last becomes the rule, not the exception.

No man of good sense should care to-day to own more than the roof over his head. The griefs and headaches in small-scale operation of real estate for rental purposes were legion enough in good times; in depressed times the owner who tries to show a profit is made to look like a fool.

Expenses are as high as they ever were, but income is at ten-cent store levels. The average rent in the average district is half what it was in 1925. Even then one might manage if this half were not in turn halved by an average forty per cent vacancy, and the remainder further reduced by an average of thirty-five per cent in collections. With these facts in mind, it is not hard to see that the landlord is lucky to scrape out his taxes, let alone upkeep and mortgage obligations. Meanwhile, property worth $20,000 in 1925 will not bring the first ten of that now, but the owner continues to meet the county auditor's $15,000 valuation. Where a first mortgage of $10,000 enters, the landlord soon sees that the sorry joke is on him, throws the property back to the mortgage-holder, and chalks up his own investment to experience.

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You Can't Do Enough for Them

All sane men, as I say, instinctively shy from being landlords. Fortunes have undoubtedly been made in real estate, but not from the rental aspect of it. Anyone whose expectations lie in that direction will grow old quickly. Sadness and wisdom will be his lot. He sees himself as the lord of the manor, opulent, open-handed; and he will be a dog at heel, kicked and reviled. He expects to set new records for property management, and he probably will, but not in the expected direction. He has all the facts and figures, less twenty-five per cent for emergencies, but what he does not know is that they should be marked down ninety per cent. He's going to be a father to his tenants, a pal — one landlord to whom the door is always open! — but he soon finds that he can't even get in through the delivery entrance. As all these discoveries impale him, the sad truth about being a landlord dawns upon him, and somewhere they begin to sweep out a padded cell.

Handling tenants is as good a way of going crazy as any, and probably better than most, in that the effect is permanent. I've seen a hundred families come and go in my time as a landlord, and the best of them gave me some hideous moments. I got all the rent coming to me from two of them, and one of those came back to induce a friend of hers to move. And at that, I have not been particularly unfortunate, for I have listened to some awesome tricks played upon fellow landlords by tenants.

There never was a tenant who didn't think he was giving something for nothing when he paid the rent. There never was a tenant who, in his heart of hearts, didn't feel that the landlord grabs his thirty-five bucks and hies himself to the nearest sin-den to wine and dine the queens therein. Futile it is to remind him that his children are being educated, his life and home being protected, and that the many other things that the government at least is supposed to do are all being taken care of with that thirty-five. Collossal is his disinterest in whether or not the landlord is getting any kind of return on his investment.

In the current situation, with vacancies everywhere, the prospective tenant has learned he can get away with any preposterous demand that comes to him in the delirium of some wild nightmare. Whitewash the basement, and the floors need painting. Paint the floors, and the walls ought to be papered. Paper the walls, and the hot-water boiler leaks. Buy a new boiler, and something ought to be done about the furnace. Fix the furnace, and the bowl, into which they throw everything but the grandfather's clock, is stopped up again. Clear the bowl for action, and the basement could stand another coat of whitewash.

Where a landlord tries to run such property through personal attention, avoiding wherever possible the calling in of plumbers, painters, and electricians so as to have something left over to meet the terrific burdens of mortgages and taxes, he, the landlord, finds himself quickly reduced to the position of a menial at the day or night beck and call of some twelve or fourteen nice, big, lovable families, to any member of which he would be delighted to take an axe. They regard him with contempt for trying to manage that way, for not calling in experts and footing their bills with a smile, and when his sometimes faulty repairs give way, how they love to rub it in! The landlord is a miser. He's always trying to fix things himself. Now, our last landlord — there was a swell guy! He called in an electrician if so much as a light bulb burned out. Of course, he lost his property to the banks, but he sure was a grand guy when he had it!

Withal, just as the colored man likes to be driven about by a white cab-driver, so the tenant likes to have the landlord do his odd jobs for him. The tenant who will lift a finger to do anything which is properly in the landlord's domain of responsibilities is a phenomenon of the purest ray, and the lucky landowner who gets him endeavors to hold him with hoops of steel. The man who comes offering to paint the back porch himself if supplied with the paint brings tears to the eyes of the landlord, re-establishing his faith in humanity — such faith remaining unshattered until he timidly enters a just-vacated flat once again to kick desolately through desecration, vandalism, refuse, and empty whisky bottles.

As far as my experience is concerned, the tenant who, when he moves, leaves an apartment clean, has not yet been born. They howl like the devil if they discover even so much as the imprint of a thumb on the kitchen closet wall-paper when they enter, but they see noth-

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ing amiss in leaving the complete finger-print record of Junior's, Janie's, and Baby's cute hands all over the walls when they leave.

Putting the Screws on the Landlord

I do not make much of an appearance as a landlord. My voice is not heavy and impressive, nor my brows ferocious. My harshest looks apparently do not register even on recent widows, and the jackanapes who open a slit in the door to tell me, "Papa's down to the bowling alley," think I'm only the janitor. I am inclined to be apologetic about taking rent, to give profuse thanks, and to invite any criticism the tenant may want to make regarding management. The old "well, it's a lousy world and we're all hard put upon, but let's be friends and get along in harmony anyway." But it doesn't work between tenant and landlord.

The landlord who would save himself from quick insanity should avoid all hints of paternalism like poison. The spirit of feudalism is still with us, and given the slightest encouragement, the tenant will quickly fall into thinking of his landlord in terms of a *patron* and help-meet — help meet the bill for saving Aunt Susie's infected big toe in Walla Walla; help meet the costs of springing Uncle Joe from the hoosegow in Oshkosh; and help meet expenses for the last rites and interment of Grandma in Pawtucket. He may stop short of asking the landlord flatly for a loan to carry the load of these worthy and vital matters, but he thinks nothing of pointing out that their unfortunate obtrusion at this time means that he simply cannot pay his rent until . . .

Far-sighted is the land-owner who impresses coldly upon the tenant that he can match him sob story for sob story until the sun breaks over the east and dips into the west again. Not that this essentially will be more than an empty gesture. The landlord finds that he can no more remain independent of the fact that Big Sister has had a fight with her unemployed husband and is coming home to have her baby than if he had been responsible for the impending event himself. Somebody is going to pay the bills, and nine times out of ten it's the landlord who listens, sighs, and goes away wondering how in God's name he ever got into the business in the first place.

That upon the landlord ultimately all things will descend, all landlords have learned. When Mr. Tenant quarrels with Mrs. Tenant, usually around the first of the month, and flies out in a rage, taking his pay envelope, Mr. Landlord may well quake inwardly, for he knows that he is the fall guy. When Pop loses his job the landlord's head begins to ache automatically. When winter comes the landlord knows that Sally's new coat and side curtains for the car will come ahead of the rent. He learns to fear Christmas and Easter and births and deaths because he knows that each means he will be handed another stall. He hates to come home nights for fear that he will be told another calamity has befallen Mr. Hopeless of the lower left flat. He is taught to fear anything that disturbs the even tenor of life.

The whole business of renting to-day has sunk to new low levels of humiliation. The prospective renter knows he can write his own ticket and he wants you to concede him his moving costs, his first month's rent, enough lacquer from the kitchen job to go over his car, and your right forearm. He is very coy about these advances. He goes over the house, room after room, with all the critical pomposity of a man about to purchase the Hope diamond. Nice sun-room . . . hum . . . nice dining-room . . . hum . . . of course . . . hum . . . there are a lot of nice houses vacant these days . . . a-hum! (Pause for effect.) Now (pause) we might see our way clear to taking this place (pause) provided (pause) certain concessions were made. (Pause.) If you will take care of our winter supply of coal (pause) why, we might consider it. If, of course, you can do something a little better for us in the way of rent . . . say, thirty dollars . . .

Another wants the landlord to defray the cost of bringing Cousin Fanny from Roumania to live with the family; another will paint the house, tune the piano, or lay a new rain spout to be taken out on account of rent; a third likes the apartment very much and will be very glad to move in, but he cannot pay until he has cleared up the installments on the radio, three months hence.

These propositions are all made very innocently and with no appearance that there is any element of the outrageous in them. The landlord must subdue the rage that rises to choke him, for he knows that he is faced with a renter's market, that the "For Rent" signs are thick about him, and that competition is

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keen. In the last analysis he is willing to take any kind of a chance that promises anything.

Ninety per cent of the tenants accepted under these wild arrangements are no good. They don't pay as they come in and you only get rid of them with a court order. They have been coddled and kowtowed to for so long that they no longer think in terms of rent. They take all the leeway given them, and then tell you to go to hell.

But so desperate is the average landlord's position that when another concession-hunter comes along, he must take him on too, hoping against hope that this new one may show a measure of honesty and gratitude.

And Try to Evict Them!

The "house squatter" is the latest variety of affliction of the hard-pressed owners of property for rental purposes. The "squatter" enters a vacant house, apartment, or flat, and stays there until the owner of the building discovers his presence. Then he stays three weeks to a month longer while the owner pays court and attorney's fees in the well drawn-out process of obtaining an eviction order. Later the "squatter" seeks another vacancy. The absentee manager falls easy prey to this bird.

Leases as a check on tenant tricks are always ineffective. For one thing, the laws of most states will not permit property owners to seize the tenant's furniture in lieu of rent. The hotel owner can at least grab Mr. Tenant's toothbrush, but the only toothbrushes left to Mr. Landlord have already been used to scrub the top of the stove. When one realizes that the average eviction order costs the owner twenty-five dollars and the inevitable re-decoration a great deal more, one gets a real slant on what renting is all about. They come in, they don't pay anything, and it costs from twenty-five to a hundred dollars to get rid of them.

Here and there owners organize against the deadbeat and trouble-maker, but in the long run it doesn't mean anything. The dishonest man goes through so many aliases in a lifetime that nothing short of finger-printing will nail him. The credit people can tell you how difficult it is to check the deadbeat. He is out to give you the works, and, barring an act of God, you will get them.

The impulse to catch up with one of these crooks is strong, and sometimes the landlord is moved to trying it, but even where he is successful the satisfaction is never worth the time and the personal wear and tear. One thing is certain: he doesn't get his money though he send the rascal to jail. A friend of mine maneuvered a tenant of his into a jailable position, and did have him confined — where-upon the newspapers raised such a howl that a quaking judge released the beggar pronto.

The property owner, as far as politics is concerned, has it taken from him coming and going. Judges, appointive and elective, hate to be assigned to the eviction court, fearful that the renter will remember at election time. They lean away from the landlord's case as far as possible, embarrassing him with inattention and a censorious manner, and only granting the order with a great show of unwillingness and apology to the poor tenant. Court attendants, clerks, and others are frankly obstructionist and on the side of the defendant. The landlord rates no courtesy. His petition is scrutinized to the T for some technical obstacle to defeat his end. Deposits are demanded before the suit can be undertaken. The landlord who would present his own case, to save attorney's fees, is treated like a Communist at a D.A.R. meeting. The whole system is carefully calculated to be abysmally discouraging, and the landlord comes out torn and bleeding.

The intricacy in obtaining eviction orders is something to put a coating on your tongue. I have gone through the procedure countless times, but there is always a new twist, a new interpretation to befuddle you. Petitions, writs, mandamuses, orders, and habeas pocuses fly around like gadflies. Appeals, answers, demurrers, exceptions, objections, injunctions, and all the rest of the legalistic folderol which means so little to the man who is just trying to get along. A mess of detail of the most confusing nature, all geared slowly to the ponderous machine of the law, presided over by surly ward-heelers magnificently indifferent to everything but the hands of the clock — all this makes the eviction enterprise a job to be tackled with fear and loathing.

When the landlord is not in court suing someone, he is in court being sued. The laws of the land make him an advantageous target. Should some fat slug of an Aunt Jemina come waddling downstreet, fall and tear her *gluteous maximus*, the landlord is liable for the accident. How in

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the name of all common sense it is his fault has never been explained — the woman clearly toppling of her own excessive weight — but the law holds him liable for the damages, and not infrequently he pays for the debauches and extravagances of the fat charmer's past.

More often the suit is an inside job. The tenant swigs too much home brew and goes catapulting down the cellar stairs, landing on his conk with a soft sound. A suit is in order on any one of a half-dozen different premises. Usually the tenant, mindful of the home brew feature, will not come right out and sue, but will wait around, daring the landlord to ask for his rent, while the poor fellow, knowing that he won't stand a Chink's chance in court, takes it and takes it.

Similarly, woe upon the landlord who confides an opinion of one tenant to another. He is hauled up for slander so fast that his head spins. The landlord learns that while his tenants are always fighting among themselves, against him they are one. Anything he says to Mrs. A goes through the intermediate alphabet to Mrs. Z in fifteen minutes, at the outside. A rent reduction for Mrs. Z, privately transacted at an hour long past midnight and sworn to secrecy by the sign of the Great Spirit, has Mesdames A to Y at his front door the next morning in full battle regalia. The landlord learns to button his lip early in his career. He talks only about the weather, and that not in positive terms. He can no more afford to have opinions than a newspaper.

The conspiracy to defeat the landlord is universal and instinctive. Neither the government nor the courts afford him succor (he is the perennial victim of both), and the hand of the individual official is ever against him. Charitable organizations, such as community chests and funds, make a monkey of him.

It is a well-known fact that the charitable organizations are paying rent for many destitute families in these times of depression, but it is not so well known that they connive at cheating the landlord continually. After repeated efforts he may succeed in blasting a ten-dollar check or two from them, but soon the word is passed to forget it. The tenant is taken aside by the worker and told to hold the fort, with one dodge or another, until he is served with notice to move. He sits tight throughout the entire court proceedings and holds on until the last minute allowed by law. Then the Charities' van backs up and carts him away to some other landlord, where the entire strange cycle is repeated. The practice has become so prevalent that landlords now refuse to accept tenants who tell them the charities will pay their rent, for they recognize the story for the myth it is.

Merrily the Sheriff's Gavel . . .

Heckled, battered, and defrauded, shorn of all self-respect and standing, the landlord holds on. For what? To watch his fortunes diminish daily. To be kicked from pillar to post between stern obligations and non-producing investments. To careen from vacancy to deadbeat to vacancy. To sweat over principal-and-interest notes and tax duplicates. To be beset by a thousand exasperating worries about bedbugs and cockroaches and water in the cellar. To be complained at, lied about, despised, cursed at, and fought with. To carry the burden of a government by impostors. To supply more money for politicians to waste and steal. To be, in a word, the first sap of his country.

There is so much crying the blues going on that one hesitates of sheer ennui to add to the clatter. Everyone knows that the country is in the doldrums. In it all, that Great Receiver of Trouble, the landlord, knows not where to turn. He is caught in the middle. Circumstance has him by the whiskers. He cannot hold on and he cannot bear to let go.

But his end is written in large writing on the wall. Foreclosures fly about him like evil vampires. The banks, cornered themselves, wait but to hear his labored breathing before sweeping down and picking him clean. Merrily the sheriff's gavel bangs in a neighbor's house. His turn must come soon, and when it does he fares forth as naked of possession as the day he was born. So he learns the lesson of humility.

But it is not a good thing that a man should lose his all and be set adrift. For the maxim that says thrift and honesty shall be rewarded with peace and contentment comes out of the same copybook which holds that one should honor the flag and the country for which it stands, and its ideals and its institutions; the one is geared inseparably to the other, and the man who is stung by the first is not fool enough to believe in the second.

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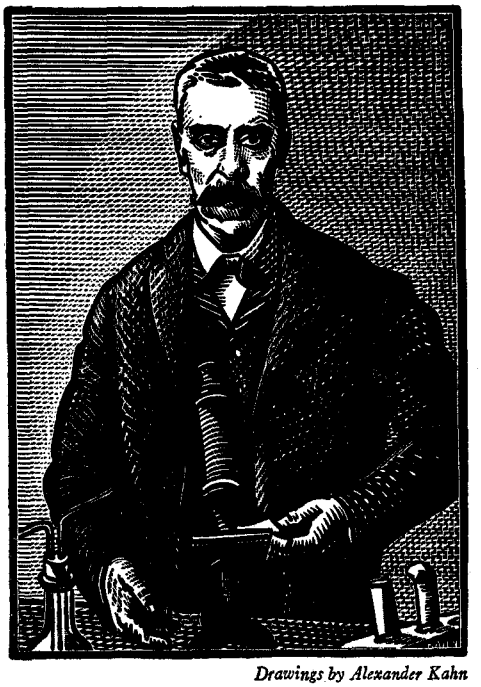
The Pale Horror

III—Wagner-Jauregg's Fever Cure



Drawings by Alexander Kahn

by PAUL DE KRUIF

I

JULIUS Wagner-Jauregg of Vienna found that fever may be friendly, and that was contrary to four thousand years of medical dogma. He began using it, never dreaming it would frizzle Schaudinn's pale spirochete, and that made his discovery immensely important as well as unexpected. The results of his great stab in the dark were unhoped for and came when threatened millions most needed them.

For, just as the pale horror tricks its victims, so again and again it has disappointed the first hopes of men against death who have fought it. Hardly three years after Bordet and Wassermann had found the test that would often so wonderfully smoke it out of its hiding, Paul Ehrlich found his powerful 6 o 6. One shot of it would wipe out every last pale spirochete — in rabbits.

The hopes that Ehrlich raised were high. He was a gay German-Jewish chemist. He had enthusiasm that was as contagious as the measles. He was fond of putting simple ideas into Latin mystifications. He hoped, he said, that this remarkable 6 o 6 would be for suffering humans, just as for rabbits, a *therapia magna sterilisans*. That was his academic jargon for saying he was going to wipe out this most tenacious of sicknesses at one fell swoop. He hoped he had found "the magic bullet." And it *was* almost magical. Overnight, one shot of 6 o 6 would drive pain from the bones of forlorn folks in whose limbs the pale horror was gnawing. In a few days, one dose would fade dreadful sores of the sort with which the sacrilegious shepherd boy, Syphilus, had been cursed in the famous poem of Girolamo Fracastoro.

II

ALAS, it soon was plain that one shot of Ehrlich's magic bullet rarely fetched every last one of the pale spirochetes — in human beings. Yet it was true that the healing power of 6 o 6 was brilliantly better than anything ever tried or heard of. Dangerously powerful, in the early days of its use one succession of shots of it could wipe out enough of the pale microbes to make the blood test negative (with no relapse) in eighty-five out of every hundred sick ones.

Time went on, and again, alas, the pale germ showed its horrid resourcefulness. Through the

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years it began, apparently, to accustom itself to Ehrlich's magic bullet — to be weakened but not killed by it. So that, ten years after his discovery, a similar succession of shots of 6 o 6 caused the blood tests of only twenty-three out of every hundred sick ones to become negative, with no relapse.

Relieving sufferers from outward evidence of their affliction in a few days, the tragedy of Ehrlich's wonderful medicine lay in the way it lulled hundreds of thousands into an unjustified sense of security. This brought it about that they neglected to submit themselves to the long rigors of years of treatment with this powerful (and poisonous) drug which alone had a chance to secure them from ultimate disaster.

Even so (says John Stokes) of all who are hit by the pale horror and fail of detection of their trouble within the first week of its outward appearance, at least twenty-five out of every hundred — in spite of reasonably effective treatment — develop serious complications. And many of these are mortal. It is the death of myriads who thought 6 o 6 had saved them that makes syphilis a chief killer along with cancer. Paul Ehrlich's discovery of 6 o 6 was magnificent, but clearly not the final answer.

III

The way Julius Wagner-Jauregg set his friendly fever to searching out the dangerous lurking of the pale spirochetes was bizarre. It was uncanny, like the first song of the returning whippoorwill waking you in the gray of a May morning. His job was psychiatry. This, of all the branches of medicine, (though fascinating) had surely given least to the staving-off of death. What's more strange, Wagner-Jauregg began lighting the fire of fever to cure folks long before he could be sure it was the pale horror he was fighting. He was bit by the hunch that fever was good, almost a score of years before Schaudinn's hawk-eye first saw the feeble, terrible spirochete. Most curious of all, when he saw it was the pale horror he was fighting, Wagner-Jauregg set his fever flaming not in the earliest (and most curable) stages of the long sickness, but in its last, most desperate consequence.

He began by fevering sufferers from paresis, from the general paralysis of the insane. That was as inexorably fatal as pernicious anemia used to be, and more deadly than cancer is today.

Wagner-Jauregg had come to Vienna from the hills of Western Austria. Even now, after fifty years of the city life of Europe's most famous faculty, you'd never take him for a professor. He has the look of a plain, gnarled man who has seen tough days — not academic softness. He is as hard-bitten as those peasants who grub their living without labor-saving machinery out of his own native Alpine foothills. He looks — *tough* is the one word for him.

He had to be pretty leathery to stand thirty years of neglect and scientific laughter while he slogged along alone, from 1887 to 1917, experimenting and failing till the day he went off the deep end, till he made his final stab with the fierce fever of malaria. That 1917 June day he faced it. How had he spent his life? In failure!

No wonder. From the start there was something old-fashioned about Wagner-Jauregg. Scientifically he had never got over a sort of crude simplicity. He'd begun his doctoring of insane folks in those "blooming golden days" when microbe-hunting was the scientific gospel. Then, the great hope for lifting human suffering lay in the laboratory, was to be got at down the barrel of your microscope. But Wagner-Jauregg wasn't fetched by Pasteur or Koch. For his rules of death-fighting he went back to observations by old doctors that Pasteur would have denounced as mere superstitions. He went back to Francis Bacon — who wasn't even a physician. Hadn't this Bacon von Verulam said that the way for medicine to progress was by observing naturally cured cases of incurable sickness?

In his very first year in madhouse wards among the hopelessly insane, Wagner-Jauregg had seen such mysterious miracles happen. Fundamentally he founded his career on what his own eyes saw.

IV

In his first years in old Professor Leidesdorf's psychiatric clinic he'd seen a young woman, insane after childbirth, and sliding downhill into what looked like hopeless imbecility, catch typhoid fever, nearly die — and then get better of her insanity. He'd watched a mother of nine children, insane at her change of life, become idiotic, descend to a

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dreadful state hardly more than animal, catch erysipelas — and then go back home, sane.

If Wagner-Jauregg hadn't been so old-fashioned he would have dismissed these "miraculous" natural cures as happenstances. He would have thanked his professors for educating him away from the pitfall of *post-hoc-ergo-propter-hoc* reasoning. Passing by the beds of these women so strangely sane after their feverish sicknesses he'd have murmured "mere coincidence." But he lacked sophistication. He dug back into ancient empiric medical records with science hardly more dignified than that of my own grandmother who believed that, when her butter turned rancid after her churning, it was because some abominable old woman had bewitched it. In 1887 he published his first formidable scientific treatise. He told of the remarkable natural cures of insane folks he himself had seen — following fevers. He compiled a tiresome series of lunacies, imbecilities, idiocies fantastically cured by typhoid fever, cholera, typhus, erysipelas — caught accidentally. These he'd dredged out of medical lore of physicians as reputable as Hippocrates and Boerhaave, as well as from the writings of medical nonentities with no scientific standing whatever. He advocated the inoculation of hopelessly insane folks with erysipelas, even malaria.

It was his real bow as a scientist, and it was a dismal and unmitigated flop.

Even if it were true that hopelessly addled brains were in some mysterious way cleared by feverish sicknesses, even so — what of it?

Who would dare to set contagious diseases going to see if they'd have any healing power on a few idiots who were at best hopeless? Who could guarantee — if you'd start malaria going in an asylum — that it would stay inside the walls? (These were days when it wasn't yet known that malaria is carried only by mosquitoes.) To clear the heads of daft ones, was anybody — let alone this young whippersnapper Wagner-Jauregg — justified in risking the spread of deadly typhus in Vienna?

So he began — by failing.

V

For our tough, small man from the Western Austrian hills this didn't matter. What mattered — in spite of the superstitious silliness of his hunch and its utter impracticability — was that he believed in it with his whole brain and body. Such emotion is not common in these days when respectability, when doing what's done, is important for a man's advancement in the ranks of science. Such fierce belief is not taught in the schools as a thing needed for deep discovery. But Wagner-Jauregg was aflame with it. He'd show them. Wasn't he permitted to set dangerous feverish sickness going in his daft ones? Well, there was more than one way to skin a cat! He'd fever them without infection.

From 1892 to 1917 he injected hundreds of insane folks with that dangerous poison of the tubercle bacillus known as *tuberculin*, and watched bigger and bigger doses of this stuff send temperatures higher and higher, and saw many suffering from this or that kind of mental sickness getting better — it was thrilling! — and then half-way through this long, lonely experiment he had to admit to himself he'd failed again.

He was old-fashioned, too, in his self honesty. Granted he'd started from observations that might be mere coincidences, granted he'd compiled masses of superstition to convince himself that his own hunch was right, yet hadn't his tuberculin fevers sent many daft ones back to their families, to normal life? Yes. But were they all incurable? Mightn't many have got better — *without fever?* Hadn't he started treating almost any kind of insanity — various mysterious mental fogs lumped under the unsatisfactory names of paranoia, acute psychosis, dementia precox, manic depressive insanity?

And wasn't it a fact that many of these sufferers got better without any kind of treatment, without catching feverish disease, without any fever whatever? It was a fact. He faced it. He started over. There was one brain sickness that could really tell him yes or no. For his purpose this sickness was admirable — was really lovely in its clear-cut definiteness. For its millions of victims it was the grimmest of human miseries — most inexorable. This was paresis — the general paralysis of the insane. These were the days when, if you recovered from paresis, it was proof you'd never

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had it. These were the days, too, when the Bordet blood test applied by August Wassermann was proving that this trouble was the last and most dreadful consequence of the pale horror's long hiding.

From now on he'd fever none but those insane with general paralysis! He had the nerve to face the almost certain ruin of the work he'd given thirteen years to. Here were folks sent to the asylum by a sickness that, by its nature, would never let them leave its doors — save in a box, and lifeless. It was Wagner-Jauregg's forlorn scheme to send them home healthy — just by fever.

From the early nineteen hundreds till 1917 (when war had turned Vienna from a waltz town full of chocolate soldiers to a starved city full of maimed men) — all those years he'd fevered doomed paretic ones with tuberculin. And failed again. He was led along by half-successes as tantalizing as they were ultimately fruitless. Time and again, after a succession of fevers set flaming by the tubercle poison, he'd watch a patient's trembly lips grow firm and his slurred speech turn to talk that was articulate. He'd see a vapidly smiling face get back its lines of strength and intelligence. He'd be happy for a little while, as this addle-pated man (after fever) lost his idiotic delusion of wealth or financial genius, or as that one came out of the melancholy that threatened his suicide, or out of the feeling of persecution that made him a potential murderer. . . .

He'd be happy for a little — till these folks relapsed again, became wildly maniacal, or foolishly euphoric, or slid vacant-faced downhill to the pitiable state of human vegetables, relieved at last by death — their certain death was his one consolation.

God knows how he stuck to it. When the war began, of the hundreds he'd fevered with tuberculin, only twenty-one were still alive. Of these, only seven were sane enough to support themselves by their own working. The remainder of those living were in an arrested state of permanent feeble-mindedness that was worse than death. He had to face it. Maybe his artificial fever had helped a few folks a little. Maybe it staved off death, though not for long.

Bitterly he had to go back to his very first beginning, had to admit this —

That of the few who'd got better *and stayed so*, all had caught malaria, typhoid, pneumonia — had been the lucky victims of sicknesses that were dangerous and fundamental. So now he faced it. There was only one thing to do.

VI

June 1917 Wagner-Jauregg did what was to be done and what followed is history.

Of the nine surely doomed and absolutely hopeless paretics who shook with the chills, screamed in the delirium, burned with the fever of his terrible inoculation — malaria — three returned to perfect sanity. More than ten years after that momentous summer, all three were as sane as ever they'd been before the pale horror bit them. All three were strong-brained and working.

VII

To bring himself to drip those few drops of malarious blood onto the arms of these demented ones, Wagner-Jauregg had had to ignore all sorts of scientific objections. Who could say that a terrible exaltation of murderousness might not take place in those malaria microbes, as you shot them direct from the blood of one man to another? Malaria's natural way of spreading was by minute amounts in the gentle bite of the mosquito. . . . And wasn't it axiomatic that the surest way to make any microbe super-deadly was by blood inoculation direct from beast to beast. . . ?

Wagner-Jauregg ignored it.

And even if these doomed paretics were relieved of their madness by malaria — wouldn't they remain malaria carriers dangerous to all around them, reservoirs of sickness waiting for the bite of the first anopheles mosquito?

Wagner-Jauregg disregarded it.

Malaria was curable by quinine, yes. But when you infect a man by blood injection, who'd dare predict the sickness wouldn't flame too fiercely for any drug to quench it?

Wagner-Jauregg took the chance of that.

Of course it all came out — incredibly — just as if Santa Claus had changed to flesh and blood and still stayed Santa Claus. By inoculation the malaria didn't get deadlier. And the crazy folks developed a kind of malaria no mosquito could transmit. And the fever that so wonderfully frizzled Schaudinn's pale horror, was actually easier to cure by quinine than the natural malaria brought by the bite of a mosquito!

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Nobody could have foreseen these new facts of science. But then, what desperate death fight would ever get started if the fighters weren't themselves desperadoes, Prometheans — who'd slog and plunge ahead regardless of closely reasoned objections, of impossibilities, of consequences? In short, if they weren't the kind of fellows who, in the words of Boss Kettering, started from "it-can't-be-done."

To-day, of course, the saving of lives, the weird return to sanity of paretics, thanks to Wagner-Jauregg's malaria cure, is commonplace, and thousands have joined those first three historic cured folks of that desperate experiment of the 1917 summer. Yet commonplace is hardly the word for it — for about the whole business, when you realize the utter hopelessness of the sickness, there's something *outré*, unearthly. Doctor Hooper, the able head of the Dayton State Hospital, has put it far more vividly than my stuttering typewriter can say it —

"For years, up till 1924 when we started malaria, I watched hundreds, thousands of paretics come into state hospitals," said Hooper.

"I never saw a single one leave, till 1924, except in a box" —

"Now we're sending almost half of them home, living," Hooper said.

Of course, it hadn't been beer and skittles for Wagner-Jauregg after the astounding success of the 1917 summer. He'd had great luck in that first experiment. The blood of the malarious shell-shocked soldier with which he'd made his first inoculations had held a pure strain of the comparatively mild microbes of that kind of malaria known as "tertian." Even so, one out of nine of those first patients had died of it in this desperate kill-or-cure experiment. But then, next year he'd had to start over with another malarious patient — whose blood (Wagner-Jauregg not knowing it) hid the deadly microbes of the kind of malaria called "æstivo-autumnal."

In a terrible anti-climax to his first triumph three out of the first four of the insane folks shot with this malarious blood died with an explosive, malignant fever. Quinine, even heroic doses of it, did no more good than pouring water on a fire of gasoline. Yet Wagner-Jauregg went on with it, though you'd swear it was enough to stop the boldest. Austrians, and especially Viennese, have not the reputation of being a stern, persistent people. You're likely to imagine them giddy folks languishing (decadently) to Strauss's "Tales from the Vienna Woods." But there was in Wagner-Jauregg something of Semmelweis, who seventy years before had worked close by in the same *Allgemeines Krankenhaus* — who, discovering the cause of childbed fever, had had the guts to admit that he himself had been the killer. There was in Wagner-Jauregg, too, more than a little of the fighter Ludwig von Beethoven. That strongest of men had died ninety years before in the *Schwarzspanierhaus* — close by where Wagner-Jauregg now went through his Golgotha. Beethoven, dying in the storm, rose up with his last breath shaking his fist upwards as a shattering peal of thunder jarred the windows. Defying fate like those two other Viennese, Wagner-Jauregg now stuck to it. . . .

VIII

HERE was the really bitterest anti-climax: after all, once the paralysis, the dementia, the manic ideas of grandeur revealed that the pale spirochete had undergone its dreadful awakening after its long sleeping in its victim's brain stuff — the fiercest malaria fire had only one chance in three really to frizzle it. Though the sands of his hour glass were now running low, Wagner-Jauregg groped back and back toward the first beginnings of the dreadful brain sickness. He got hold of folks who (by the subtle spinal fluid tests and by the first faint hint of "nervous breakdown") were known to hide the pale spirochete in their brains. Then exhortation *re* their frightful danger. Then — to some who'd listen — malaria.

Now he could report that not one out of three, but eighty-three out of every hundred of these very early cases were well and working. You'd have thought that Wagner-Jauregg, old as he was, and having fought against universal medical disdain and sneering, would have been fanatic now about the virtues of his malaria. He had a scientific right to be. Nothing was surer than the futility of 6 o 6 treatment of poor wretches on the verge of paralytic breakdown. There were sinister medical whisperings

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that Ehrlich's "magic bullet" might even hasten and stoke up the pale horror's gnawing in folks' brain stuff. There was science — from autopsies — to show that, while the working of the pale horror on folks' bones and skins and livers had grown less, the far more dreadful brain syphilis was on the increase, in spite of Ehrlich's magic bullet. Or because of it?

Wagner-Jauregg had none of your silly scientific prima donna's pride in his discovery, was entirely devoid of vainglory about it, and like the plain good doctor that he was, tried everything. Pretty soon he could report that, if you immediately followed the malaria fever with a succession of shots of 6 o 6, the healing effect was still more often a lasting one.

"It's not a question of the prestige of one of these methods of treatment as against another," growled that tough old man.

It is still an enigma, the way malaria fever turns 6 o 6 from something useless into a bullet that comes close to being magical against this last most dreadful end of the loathsome sickness. Does the fever weaken the pale spirochetes so that the magic bullet can now give them a really deadly wallop? Isn't it more likely that the fever stirs the inwardly sapped and shattered bodies in which the horror has for long been secretly gnawing, to some new, strange microbe-fighting energy? Does Wagner-Jauregg's fever help the human, so that now 6 o 6 can really hurt the spirochete?

These are riddles for your highbrow laboratorian to unravel. The real questions were more practical, and for their answers needed a fearless testing by a doctor as bold as Wagner-Jauregg. This ordeal by fire of malaria turned brain stuff on the verge of permanent degeneration back into healthy protoplasm — yes. Well — mightn't it give the whole body of your sufferer in the earlier stages of the stealthy sickness the chance to stage a death-fighting comeback?

It was absolutely necessary to try it. All over there were countless thousands for whom 6 o 6 had failed. All over there were hundreds of thousands for whom future madness and death were looming. And yet —

This proposition sounded so simple, so easy to put to the test, yet what could be more impractical, impossible — knowing care-free, negligent human nature?

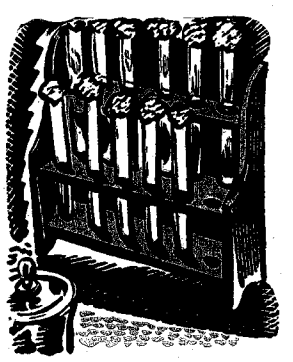
It wasn't for Wagner-Jauregg to attempt it. It meant a life work for some young man. And it was, anyway, *impossible!* It hadn't been hard to persuade poor devils in the last stages, feeling madness stirring in them and death reaching for them. Of course they'd go through the malaria fire. They'd try anything —

But alas, in its early stages the pale horror is so often such a mild-seeming sickness. And 6 o 6, driving the pale horror under, made it seem yet more negligible, until —

But who'd get these threatened ones to understand this terrible "until?" Granted the fever of malaria might give 6 o 6 its chance to wipe out every last one of Schaudinn's pale spirochetes early in the sickness —

Who'd believe that fiercely enough to get such threatened ones (pseudo-healthy) to look at a possible horrid to-morrow that lay five, ten, maybe twenty years in the future?

J. Kyrle of Vienna — Bohemian-looking in his rakish, broad-brimmed hat — believed it.



Next Month's Chapter Will Tell of the Exploits of Kyrle

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The Educational Veil

by **WALTER A. TERPENNING**

When it comes to resourcefulness and versatility, there is no class in American society that can outdo our schoolmen; and in no respect are their ingenuity and adaptability more outstanding than in their genius for making various kinds of fools of themselves. For pure, unadulterated asininity, their record is unsurpassed; but none of their specialists in absurdities, even the intelligence testers, have quite come up to the standard of "jackassery" attained by the superintendents and school boards in their latest craze, that of ridding the school system of married women teachers.

In a large share of city school systems, and in some counties, an ironclad rule is now in force requiring the dismissal of female teachers if and when they enter the holy bonds of matrimony, regardless of their terms of service, proficiency, or need of employment. The superintendents and their boards are in a position where reasons for their acts are superfluous, but occasionally an accommodating one will attempt what the psychiatrists call a "rationalization," that is, an excuse for irrational acts which they have already accomplished or decided to accomplish. In view of the variety and absurdity of these "reasons," the curious interrogator may well doubt what the apologists really have in their minds, or if they have anything in their minds, or, indeed, if they have minds.

The most usual explanation is to the effect that the practice is a "depression measure," and that the public schools should be made an eleemosynary institution, like the soup-kitchen woodpile, to furnish jobs for indigent spinsters, while married women should be supported by their husbands whether their husbands have anything to support them on or not. This excuse is obviously false, for the movement began and was well under way long before the time of the depression. If there is any schoolman who is sincere in making that excuse, he has a badly warped notion of the function of his institution, which was originally that of the education of children and youth, not that of furnishing jobs for the graduates of teacher-training institutions, or any other class not gainfully employed. The only legitimate consideration in the employment of teachers is so simple that a wayfaring man, though a school superintendent, ought not to err therein. It is nothing more or less than the *welfare of the pupils* and, therefore, the securing of the best possible teachers, married or single, old or young, male or female.

There are undoubtedly some married teachers who try to do two women's jobs, teach school and keep house, at the same time, and so neglect one or the other, or both. Such should be forced to give up their housekeeping or be discharged, in or out of a depression. The hypocrisy, or inanity, of schoolmen who discharge or refuse to hire married women, indiscriminately, on the pretext of the depression, is shown by the fact that the masses of married women who are discharged from, or refused positions in, the schools are forced to do their own housework and so deprive their housekeepers and laundresses of a means of livelihood. These domestic servants are usually much more in need of employment than the young, newly-graduated flappers who are given the teaching positions. The school authorities who make the "depression" excuse may take their choice between the accusation of being hypocrites or of being unable to understand such complicated economic relations.

Another excuse that is often given, confidentially, is that some of the married women are inefficient, and a blanket rule discriminating against all married women enables the school system to eliminate these inefficient ones without hurting their feelings. This seems the most likely explanation, since many of the petty pedagogues who have put the policy into

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practice have made the ingenious compromise of allowing the most efficient married teachers to serve as substitutes. A typical case is that of a "substitute" who took over the work of a young teacher at the end of two weeks and taught the rest of the year. Superintendents and school board members, like other politicians, are expert in dodging issues; and they are quite aware that married teachers are usually influential voters and permanent members of the community. Another political advantage of the blanket rule is that superintendents are usually responsible for discharging inefficient individuals, at least in city systems, while matters of general policy are the joint responsibility of superintendents and board members. The policy of discharging or refusing to hire wives admits of the old political game of "passing the buck" between the two parties.

There is no surplus of good teachers; nor is there likely to be a surplus for many generations to come. Nearly a third of America's children are still in one-room schools which are taught by the graduates of those travesties on higher education, the county normals (where one or two teachers undertake to give one year of college work), or by those who have received the minimum courses in the teacher-training colleges. One does not need to look very far to find teachers in city systems who are notoriously inefficient, and even some of the superintendents might well be replaced by intelligent, well-trained, and experienced married women teachers. The fact that colleges are turning out more graduates than can find positions is a blessing, not a social problem. The call to teach on the part of many of these graduates must have been some other noise, and they should never be allowed in a schoolroom. Intelligent schoolmen, given the responsibility of hiring teachers, should take advantage of this opportunity to pick and choose the most likely applicants to replace inefficient teachers, regardless of marital status, race, religion, or pulchritude. The present policy of making room for these inexperienced graduates is no more intelligent than would be such an expedient as discriminating against red-haired teachers or those who refuse to swear allegiance to the Republican Party. If it is objected that red-haired applicants might dye their tresses, let it be remembered that many applicants are keeping their marriages secret. A much more intelligent policy would be to require from each applicant, in addition to a good scholastic record, pleasing personality, good character, a marriage certificate, and possibly a couple of well-disciplined offspring, or at least evidence of a reasonable probability that the applicant can and will secure a husband and lead a normal family life. This provision would insure all eligible applicants of positions and raise the standards of the teaching profession.

The discrimination against married teachers on the basis that marriage and parenthood unfit one for the teaching function is as irrational and silly and pusillanimous as the assumption that the same condition unfits one for the acceptable worship of God. The same school authorities who refuse teaching positions to married women are wont to promote parent-teacher associations. I am both a parent and a teacher and so can call a little parent-teacher meeting whenever I wish. I find that the parent in me often has some good suggestions to make to the teacher in me, and vice versa. I find that the parent in me is as interested in the welfare of my offspring and my students as is the teacher, and his advice is fully as sound. I find that the resolutions passed in such small-scale parent-teacher sessions are quite as well-balanced and sane as are those of the large-scale variety, where specialized spinsters admonish specialized parents on the subject of how to bring up children in school and out.

Public school administrators, to be consistent, must either admit that the point of view of parenthood has no place in education, or desist from their opposition to parenthood or prospective parenthood in the schoolroom. The socializing influence of marriage and parenthood is not different in men and women; and consistency would also require that they discriminate against married men as well as against married women. But most of the school administrators are men and married and the parents of numerous children; so, of course, this is simply out of the question.

One need assume only a mediocre intelligence on the part of schoolmen to realize that the professed justification of the married-women phobia which has swept the country is a hundred per cent insincere — as insincere as the criticisms of other small colleges which find fault with teacher's colleges and then

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duplicate their programs—and that the real reasons, of which they are ashamed, are quite different from their professions. But whether these excuses are as stated or whether they are motivated by politics or by the desire to have associated under them docile youngsters who have no backing in the communities, the fact is that employers have no more right to question an applicant for a teaching position about her marital state than they have to question her about her religion; and the courts and public opinion should protect a normal individual's right to marry in any occupation or profession as they do his right to life, liberty, and the pursuit of happiness in general.

There are two kinds of evil influences in this policy of requiring women teachers and prospective teachers to take the educational veil — those upon the teachers themselves, and those upon the children whom they teach.

The immediate effects upon the teachers and prospective teachers is to nullify the value of their investment in years of professional training (an injustice which is as piratical as the confiscation of other property) and to force women teachers into contracting secret marriages, or getting divorces, or engaging in extra-legal sexual relations, or remaining celibates. There is no united effort on the part of administrative schoolmen to determine which of these alternatives shall be chosen, and there is little agreement among teachers themselves as to which to choose. All are being resorted to. The failure of superintendents to give any consideration to these effects is difficult to understand, as they usually assume greater responsibility for morals than do the preachers. To any but the asexual, or natural ascetics, and those who are lacking maternal instincts and domesticity, any of the alternatives are unsatisfactory, and the result is that the big majority of women teachers serve only their novitiates in the educational system. Their preoccupation with the selection of husbands during this novitiate is a greater handicap to efficient teaching than is the care and nurture of husbands by those who have made the selection. The school administrators have wasted more breath on the discussion of the lack of professional spirit among women teachers than on any other subject, but the greatest handicap to the development of such spirit is the shortness of the term of service which is necessitated by the requirement that women teachers forswear marriage and family life in order to make of teaching a life's work. The domesticity and maternal impulses of normal women are not for long to be satisfied by pampering lap dogs, or by anything less than being mothers of men.

Allowing teachers to marry would not only result in their staying in the profession for a much longer period, but would result in their staying in the same communities long enough to become real members of the communities in which they teach. The thing that now tends to keep our schools in a sort of community vacuum is the fact that the teachers, even those who remain in the profession for long terms of service, change communities with great frequency and seldom become familiar with the conditions of community life outside the schoolroom. As a result, they have little notion of the family life or the community background of their pupils. At a time when even physicians recognize the need of a knowledge of the social life of the patients for whom they prescribe, it must be obvious to any thoughtful person that this ignorance on the part of teachers is a serious handicap. The resident forces are the redemptive forces in education as in religion, and missionaries, in the schools as in the church, are likely to do as much harm as good. It is no wonder, in view of the divorce of education and real living, that the products of our school system are not in great demand except in the educational institution itself. The bones of contention between parents and teachers must be discussed on the parents' as well as the teachers' doorsteps. In European communities, it is not unusual for teachers to remain in the same positions for life, and, as a result, the communities become educational institutions, and the schools become communities. The European teachers are something more than teachers. They are neighbors and usually community leaders, not pilgrims and strangers like ours. The great majority of our teachers are women; and if they were not only allowed but encouraged to marry and settle down, our education would be freed from much of its pedagogical pedantry, and our schools would become constructive community agencies. A preacher friend of mine says that what our society needs is a contagion of locomotor ataxia, a disease which makes the patient stay put.

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There is no class of American citizens who are less likely to stay put than women teachers, and marriage would stabilize them quite as effectively as any other malady.

Some of these same schoolmen are beginning to give lip-service to the teachings of eugenists and are wont to complain because the graduates of women's colleges exhibit a greatly limited fecundity. Since a large share of these graduates enter the teaching profession and find it inconvenient to exercise their fecundity without marriage, let the school system abolish the marriage restriction, and the problem of race suicide will be ameliorated.

Perhaps the most harmful effect of this academic policy as it concerns school children and youth is its unwholesome suggestion that the married state is undignified or unclean or otherwise undesirable for those women who engage in such noble forms of service as school teaching. If the boys and girls of America are to be educated to respect marriage and parenthood and regular sex relations, as well as to emulate high standards of fairness and rational living, let their educators preach and practice such respect and ideals.

The other disastrous influence on boys and girls is that the dismissal or refusal to employ married women teachers deprives them of the services of multitudes of the most expert teachers. My neighbor, a school principal, tells me that the two best teachers in his school have been refused the renewal of their contracts because of the possession of husbands. Let school boards and superintendents keep in mind their only function as employers, in depression or booms, of securing *the best possible teachers;* let them rescind their anti-married-teacher ruling; or if they must do something more to justify their existence, let them reverse the ruling, and so improve the standards of the teaching profession.

The New Quitters

by **KYLE CRICHTON**

During the war we heard much of defeatism and equally much of the fine moral effect which was to come from the war sacrifices. They were not terms which necessarily went together. The defeatists were anxious for a truce in hostilities and the anti-defeatists, such as Clemenceau, were violent in insisting that the war must be fought to a finish, on-to-Berlin, hang-the-Kaiser, no yielding without complete victory. Those who felt that out of the blood-letting might come a finer, nobler civilization might be defeatists or non-defeatists. Once given the premise that war was a holy crusade, it followed that the length of the war was of no importance. If three years of blood-shed meant a moral refurbishing of mankind, four years meant an extra year of nobleness. With the depression we are experiencing a new defeatism and are developing a new crop of moralists who find that adversity is making a nobler, finer civilization. But it is a different defeatism. It has nothing to do with softening the blow; it says nothing about quitting the job before it is done. This time it goes hand in glove with the moralists. We have suffered a terrible blow, we are broke, we are starving, we are defeated — but it is a grand defeat because it is bringing out our real selves. We are to be a sweeter, finer people because of it all. By the same reasoning, the longer we suffer the sweeter and finer we become.

The fact that Mr. Brown loses his position at

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fifty, is forced out of his home by foreclosure, is working for twenty-five dollars a week in a new job (which he may lose any day) when he had been accustomed to two hundred a week in the old, is all for the best. It means that Mr. Brown and his family are spiritually elevated by the experience. If the worst comes, they can get a bit of land (just how is never stated) and live on it as their ancestors did a hundred years ago. Food can be raised, conveniences can be done without, the women can go back to churning and weaving cloth for their garments. If further pushed, they can go back to the stone age and live in a cave. It can be done. It will be done — courageously and uncomplainingly. For the depression is burning the dross from men's souls, it is bringing out the nobility of their natures.

This is all very well, but it is defeatism of the worst sort. We are living under a system of machinery production. It has been built up over a long period. With all its faults, it has brought us comforts which were not possible under serfdom or feudalism. At present the system is not working. Rather than make it work, we are to turn our backs on it. We shall accept defeat with our heads high and our courage undaunted. It is all very noble. It is also all very silly and cowardly.

Much of current thought seems affected by those remnants of the Puritan conscience which tell us that we have been living beyond our means. We are uneasy about the extravagance of the post-war years. Workmen came to their jobs in silk shirts and Pierce Arrow cars. The country went mad over the stock market. We forgot how to work, we gambled, we became seekers for pleasure rather than searchers for Right. In short, we had everything, so now we are to have nothing. Our productive machinery is too vast. We produce so much of everything that we are bankrupt. The way to control production is to have no production.

The assumption seems to be that there is no longer any need for the elaborate machinery we have built up. The truth, of course, is that the needs of America were so tremendous and poverty was so wide-spread, even in the wildest years of the boom, that the imagination is overwhelmed by even a casual examination of them. Willford I. King, of the National Bureau of Economic Research, estimated that the average income per wage earner in 1927 was $1205, and the average income per salaried employee $2084. The latter figure has been pulled somewhat out of focus for the mass of small-salaried people by the inclusion of high-paid executives.

It is possible to quote figures by the hour to show that the genuine needs of large sections of the country have not been touched. In 1926 the Department of Agriculture, in a study of 2886 white farm families in the states of New Hampshire, Vermont, Massachusetts, Connecticut, Kentucky, South Carolina, Alabama, Mississippi, Kansas, Iowa, and Ohio, reported that 75 per cent of these homes had *none* of the regular modern improvements (running water, kitchen sink, bathroom, indoor toilet, sewage disposal, furnace, or electric lights). In selected rural areas of Mississippi, 61 per cent of the white families and 85 per cent of the negro families had no toilet facilities of any kind.

Our needs are monumental, but the channels of production are so clogged by faulty distribution of commodities and unequal distribution of wealth that industry is at a standstill. The only solution the defeatists have for this is resignation. The machine will not work; the only thing to do is desert the machine and return to the age of manual labor.

The most noble of the new defeatists are among the white collar classes. I happen to know many of these cases. One is that of a man who was making $10,000 a year with a finance company. In 1930 he was discharged. His savings had gone to buying stock of the company, at the insistence of its executives. All his associates were involved in the same way with monthly payments. There was no general market for the stock, and after the crash nobody wanted it at any price. He had the choice of keeping up payments or of surrendering it, with the loss of the money invested. He kept them up for five months and finally was forced to relinquish the stock. At the same time he was looking for work, and it took eight months to get a connection with a bank at $50 a week. It meant moving to a new town, and three months after getting settled the bank staff was given a reduction of 10%. At the time he was very bitter, but lately a change has come over him. I now hear from him that he has become a finer person because of adversity. He has cut out all such foolishness as country clubs and shows and concerts and vacation trips.

I have talked with my friend and I find that

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he hasn't much use for these fellows who think that something might be done to fix up things. Human nature, he says, is always pretty much the same. We've had depressions before and have always got out of them. When things are properly deflated to rock bottom, business will start again. We've been living in a fool's paradise, and wages have to come down, and people have to get back to the simple life. This planning business is all right, but you can't monkey much with the law of supply and demand. Yes, he's heard rumors of another 10% cut, but it will probably hurt Mr. Simmons, the bank president, as much as it does him. It just means pulling in the belt a little tighter and cutting the cloth to fit. You can get used to anything when you have to, even hanging, ha, ha.

The meek seem intent on inheriting the earth, and cultivating it with a bent stick for a plow. If that fails, they will return to their cliff dwellings. On their way out with their sling shots to slay the animals from which they can get the hide for moccasins, they will pass a factory filled with shoes which cannot be disposed of because the system of distribution has fallen down, but our friends will be free of resentment. That is the way things are, and we must bear up bravely. Should life in the cliff dwellings be still too far advanced in scale, they can always ascend the trees of the forest as did their illustrious ancestors. Not only will they do this with great fortitude but, seemingly, with joy.

It may take a revolution to correct our existing state of disorganization, it may be done by economic planning, it may be done by a dictatorship of wealth, but it will certainly not be done by this attitude of sweet renunciation. Our present problems are human problems. The adherents of the grand old theory that a periodic purging was salutary for business and that a natural readjustment and deflation was a proper prelude to the consequent upward climb, have recently awakened to the fact that a deflation can, if unchecked, approach dissolution.

If one, for the sake of argument, grants the premise that America is self-sustaining, it is plain that one man, if sufficiently capable, could adjust our economic system in a way which would eliminate our present problems. Whether such a man or group of men can be found is not the point. It is a system which is humanly designed and which can be humanly controlled. I am offering no plan and haven't room here to present a solution if I had one. I am offering the statement simply as evidence that what we are facing is no mysterious, heaven-sent debacle which we must struggle through for our better salvation. To accept our plight as an act of God which it would be heretical to correct and which we can only come out of by immolation and flagellation, is to bring back the Dark Ages.

The sight of a nation abasing itself before adversity is too painful to contemplate. It is time we ceased regarding ourselves as heroes and martyrs because we have learned to take punishment. We have national needs which it would take us centuries to fill, if they can ever be filled, and we have a production machine which is the marvel of the world. In a mood of renunciation we are asked to junk this machine because we lack the courage and brains to control it. No worse confession of defeat and ineptitude can be conceived of. We are asked to regard as courage and fortitude what is merely a combination of fear and intellectual cowardice.

There is much logic on the side of those who feel that we have been enslaved by the machine. However, we heard little of this enslavement while the machine was at the height of its effectiveness. The revolt came from the artist and not from my friend of the finance company, who was busy at the moment reading the prophecies of Professor Irving Fisher and voting the Republican ticket. My friend has now deserted the machine because the machine has thrown him for a loss. This is a slightly different matter. He is defeated and he loves it. I can appreciate the flush of victory which comes over him as he sits home (much more crowded now) at night thinking back on the foolish days of golf and vacations in Bermuda. In Rome he would have been a notable figure — the most renowned of all the slaves. The slave who, with the most earnest consent of his master, would have proved that only by being a slave could man reach that state of moral rectitude and inner contentment which all humans crave.

Next Month — "The World Fifty Years from Now," by Irwin Edman.

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Can Trust Companies Be Trusted?

by **FRED C. KELLY**

In the last two or three years people have had reason to seek the truth about trust companies and trust departments of big banks. There had been premonitory rumblings in legal journals which should have suggested that practices of trust companies would bear looking into. But such warning notes seldom got much beyond the legal profession; certainly they did not reach the newspapers, or the ears of many laymen. To-day, however, thousands of people whose fortunes are completely in the control of trust companies are eagerly seeking facts.

In common with most other laymen of my acquaintance, I used to accept trust companies as safeguards for inexperienced people who wish to avoid speculation and invest their money prudently. But to-day I have come to believe there is not necessarily salvation in heeding such slogans as "Consult your banker," or "Put your money in a trust fund." I find too many people who failed to read the fine print in their trust agreement — especially the lines which mention that the trust company is not to be held responsible for losses or errors of judgment — and later had reason to regret it.

My first awakening to the questionable practices and incompetence of certain trust companies came through the personal experience of one of my friends who had created a trust fund. What happened to him seemed so amazing that I began looking about for similar cases. I found them in great plenty. I discovered also that, outside of legal journals, almost nothing had ever been published that would reflect in any way on the sanctity of trust companies.

In the following pages I shall make no pretense to be an attorney for the defense. I shall attempt to present, more as prosecuting attorney, the side of the uninformed layman who believes he has serious grievances. My purpose is to show that trust companies are not justified in claiming, as many of them do by implication in their advertising, that funds in their care are absolutely safe. My aim in writing this will be accomplished if it convinces readers that in dealings with trust companies, as in other business dealings, the principle of *caveat emptor* should not be disregarded. Let the customer beware!

For a long time, now, we have come to accept and like the trust company idea, for reasons that lie deep in human nature. To begin with, we all would like to live after death, and the trust company gives us an opportunity to appoint a deathless representative on earth to carry out our orders and handle our stack of chips after we are out of the game. Another reason why we wish to believe in trust companies is that the human animal is lazy and would like to avoid work. If, while living, we can delegate to a bank the difficult problem of investing our money, we save ourselves much perplexity. Because we like to think we can thus avoid work, we *hope* all the claims the trust companies make about their abilities are true. We first hope and then *believe* they can invest our money with almost complete safety. We believe it for the same reason we readily accept the word of a doctor who tells us he knows he can help us.

Still another reason for our faith in trust companies is our credulity regarding whatever appears to be prosperous and successful. The average person readily accepts superficial evidence. We see trust companies occupying vast buildings with marble fronts and do not pause to consider that these are only monumental symbols of what can be done with other people's money.

"The facilities of our great organization are

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at your command," declare the advertisements of the banks, urging the services of their trust departments upon us. "Our world-wide connections, our years of experience and specialization in this field, the advice of our investment experts — all these are yours if you place your trust fund in our hands." They have not actually said so, but we are led by association to believe that the vast assets of the bank, the building itself, the reputation and integrity of its officers stand as a guarantee to us against loss. The very name "trust company" is suggestive of security and complete good faith.

Let us see just what are the "facilities" of one of these great organizations which are designed to administer and protect trust funds. Usually the trust department consists of a chief trust officer, several assistant trust officers, and a number of clerks. The man with whom you deal most of the time — that is, the one who writes to you occasionally about the state of your money or securities — is probably a clerk. Sometimes this clerk is called a "vice president." It is he who suggests what securities your money shall be invested in. True, those suggestions must be passed on by the investment committee; but in a large trust company handling thousands of trust funds one may reasonably wonder just how much personal attention these wise officers can give to any one fund. Can the practice of having all purchases formally approved by the trustees be much more than a formality? No, it is the clerks and super-clerks on whom you are placing the responsibility of actually handling your fund and watching it from day to day.

Nor is the bank required by law to accept full responsibility for actions of its trust officer. *The Harvard Law Review* for May, 1930, cites authorities which show that any trust company will be exonerated for negligence of its *agents* and *servants* if "due care" has been used in selecting them and supervising them. Now the real joker in that rule is that a corporation can act *only* through its agents and servants. A corporation, being a fictitious legal entity, can do nothing itself. Here, therefore, is a loophole for the corporate trustee. An individual trustee would himself necessarily have a part in administering the trust. Negligence could more easily be fastened upon him.

Shall we accept, then, the persuasive argument of the trust companies that it is always better to appoint an immortal corporation as your trustee rather than an individual? In dealing with such a corporation you *are* dealing with an individual — one who may be practically unknown to you, who may be replaced at any time without your consent — and in a legal relation which makes it extremely difficult to fix responsibility.

For several reasons we hear little about trust company losses or malpractice. Few of the cases of malpractice which occur get into court records — either because the customer has been too ignorant to sue, or because the trust company makes a quiet settlement out of court to avoid publicity and damage to its reputation.

Even if such a case did come up in court, it is unlikely that any newspaper would publish the barest account of it. Trust companies, through their banking departments, have business contacts that give them a powerful hold on a city's business affairs. If they have no immediate control over newspapers, they may have directors who share common financial interests with newspaper owners. Through local business interests in need of favors from the bank, and willing to do the bank's bidding, the trust department may contrive to bring pressure on a paper by way of its advertising department. Thus not only may a trust company threaten to withdraw its own advertising, but it is in a position to force those business men of the city who are beholden to it in any way to do likewise. At any rate, few newspapers consider it good business practice to co-operate, however mildly, in bringing to public attention any sins of local trust companies.

State Trust Laws Vary Widely

Almost anyone would say offhand that money left in control of a trust company under a will is automatically safeguarded from ordinary banking risks. That is, even if the trust company, while executor of an estate, becomes insolvent, all money held in trust is nevertheless safe. But this faith in the safety of such funds is not always well founded. Before making a trust company one's executor it is well to take the precaution of examining the state laws to learn whether they were drawn for benefit of trust company or customer. They vary widely in different states.

In Ohio, where I happen to live, an impor-

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tant change in law — a change that few customers of trust companies seem to know about — was made in 1919. Prior to 1919, the law read as follows:

> "All *money* or property held in trust shall constitute a deposit *in the trust department*, and the accounts and investments thereof shall be *kept separate*, and such investments or loans shall be especially appropriated to the security and payment of all such deposits, and *not* be subject to any other liabilities of the corporation. For the purpose of securing the observance of these requirements, it shall have a trust department in which all business pertaining to such trust property *shall be kept distinct from its general business*."

That evidently was not considered good enough, for in 1919 the law was amended — at the behest, so it was whispered at the time, of certain banks who wished to have profitable use of trust funds in their general banking business. The amended law included this sentence:

> "*Moneys*, pending distribution or investment, may be treated as a deposit in the trust department, *or may be deposited in any other department of the bank*, subject in other respects to the provisions of law relating to deposit of trust funds by trustees and others."

In other words, under the amended law, the bank is no longer forbidden to deposit moneys it holds, as executor or trustee, in the ordinary commercial department of the bank. Moreover, there is a question as to what becomes of an estate's money if, while lent out by the bank's commercial department, the bank becomes insolvent. Whether the estate has a preferred claim against the bank is not clear. But the Attorney General of Ohio has ruled that an estate in such a situation does *not* have a preferred claim, and that appears to be the rule in many other states. The Supreme Court of Ohio has not yet ruled on this point, though a case is now awaiting decision.

It should be pointed out that not all states are as lax as Ohio appears to be in permitting trust funds to be deposited in commercial banking departments. Many states definitely provide that trust funds must at all times be kept separate and distinct from other property or money in the trust company's hands. Pennsylvania is a notable example. Furthermore, all national banks, no matter where situated, may deposit trust funds only if they first set aside securities and deposit them with a duly constituted officer to protect and secure the deposit.

California requires securities to be left with the state treasurer to protect any such deposit. New York and Missouri allow a trust company to deposit trust funds only while they are awaiting investment or distribution, and the time and necessity for these deposits must be reasonable.

In Connecticut and New Hampshire, where no statutes prohibit the practice, courts have allowed such deposits by trust companies.

From all this variation in laws of the various states regulating trust company practice, one may judge the necessity of examining the laws of one's own state before creating a trust fund. Obviously it is unwise to take anything for granted.

Now, entirely apart from any question of laws which may rob a bank's customer of whatever protection he imagines he has, we may properly inquire whether a trust company is really *competent* to invest other people's money. Is a trust department guided by conservatism and the principle of *safety first* to the degree it has led the public to believe? In all fairness, it should be granted that a trust company often invests a customer's money no less ably than he would do for himself. But that is not what we wish to know. Since a trust company represents itself to the public as having superior investment ability, it must be compared not with an untrained investor but with a good investor. When we send for a doctor we do not expect him to do merely no worse than an average layman could do; we expect him to prove himself an expert. The real test is: Can a trust company do as good a job of investing other people's money as an *intelligent* student of investments can do for himself? Much evidence may be offered to indicate that the trust company falls far short of meeting such a test.

How to Lose a Fortune Prudently

A case now pending in the Supreme Court of New York furnishes an example of what may happen. In 1899 Charles Raymond conveyed more than $13,000 (actual market value) of bonds to a trust company which held them for more than thirty years and then sold them in 1929 for a total of $12.10! The bonds had become substantially worthless long before the crash of 1929. In other words, the trust company, with the "superior facilities" which trust companies advertise, had sat back and

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allowed these bonds to decline gradually from over $13,000 to practically nothing without ever taking steps to get rid of them and salvage what it could for the estate. The fact that the price of the bonds continued to decline year after year did not seem to suggest to the trust officers that perhaps the bonds were not the kind one should keep. Later on, I shall show just why trust companies are so slow to sell bonds that prove to be of poor quality.

One correspondent writes me from a large city in New York State:

> "My grandfather left an estate of $1,600,000. A five-year trust fund was set up under the will. My grandfather died when the stock market was at its highest point and his estate consisted almost entirely of speculative securities then due for their big toboggan slide. Did the trust company sell any of these securities? They did not. Instead of selling at the top to provide cash, the trust company borrowed $110,000 from a New York bank. The estate of course paid 6 per cent interest on that while the income was shrinking two-thirds. When this loan came due six months later, the bank was not willing to renew and we were compelled to sell great blocks of securities at sacrifice prices to satisfy the bank. Thus a $1,600,000 estate shrank to less than $300,000 because a prominent trust company did not see fit to sell even a penny's worth of speculative securities."

From Chicago I learn of a $750,000 trust fund, 45 per cent of which, at the time the trust was made, was in common stock of a small company listed on the New York Curb. Because this stock had been selected by the maker of the trust, and the responsibility was his, the trust company made no change. They were evidently more interested in protecting themselves from the responsibility of shifting securities than in the welfare of beneficiaries.

Another eastern correspondent writes:

> "After two years' experience as co-executor and co-trustee with a large trust company, I find they have only three main interests in the trust funds they handle. 1. They obtain for themselves the maximum commission possible in every interpretation they make. 2. They aim to keep contents of funds in such form that they will have the minimum amount of work. 3. They conduct the affairs of the estate held in trust so as to put the blame on the creator of the fund rather than themselves.
>
> "You pay a liberal commission for capable management, but get inefficiency, disinterest, and incompetence. At any rate, that has been my experience with one well-known trust company. They have a young man in charge of the investments of the trust department who learned while in college how to use a slide rule. With this he figures past earnings, and that appears to be their *only* measurement as to quality of securities to be bought or retained."

Another experience which I shall here outline in detail is somewhat typical. A man whom I know, in the early spring of 1931, wished to invest a substantial sum, with safety rather than yield or appreciation his primary concern. To divide the risk, he determined to handle only half his funds himself, and to let the other half be invested by a trust company. As a further precaution, he tried to be careful about picking his trust company; he went to one of the largest and best known in Ohio, a bank long established and of national reputation. He dealt directly with the chief trust officer and told him he wished to have his funds invested in the most conservative manner possible. He asked the trust officer if the time seemed suitable for buying bonds and the trust officer expressed the opinion that the buying opportunity appeared to be exceptional.

"Remember, I am much more interested in keeping my principal than in amount of income," was the investor's parting suggestion; "I want only gilt-edged bonds."

The trust company immediately began to invest the man's funds.

Though the customer had almost implored them to be cautious and conservative they did not buy even one bond that had the highest rating in lists compiled by leading statistical agencies. Not one bond had a triple-A (AAA) rating; certain of them did not have even a double-A rating.

They bought bonds of the Chicago & Western Indiana Railway Company at exactly the highest price of the year — 105⅞. Before the end of the year these same bonds sold as low as 68. As recently as the middle of August, after a big rise in the bond market, these bonds were selling at only 72.

Another selection was bonds of the Youngstown Sheet & Tube Company at a price around 101½ — only about two points below the highest price of the year. Within a few months the price dropped 56½ points to 45! Just why a supposedly conservative trust department should have picked bonds in an independent steel company at a time when every office boy knew the steel industry had a tremendous excess capacity in plants, was never satisfactorily explained. Not one of the bonds, bought for a fund that the customer was insistent on being gilt-eged, would have been selected by a capable private investor seeking only the

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best. True, the trust company submitted these purchases to the customer before acting. But having employed the trust company as expert counsel, the customer accepted every recommendation they made and signed all necessary papers as a matter of routine.

The total of all bonds bought for this account declined 38 points, or more than a third. In contrast to these figures, we find that the Dow-Jones bond averages for the year 1931 ranged from a high of 96.76 to a low of 73.36. These averages are made up of ten high grade railroad bonds, ten railroad bonds of *second grade*, ten utility company bonds, and ten bonds of industrial corporations. In other words, if the trust company had purchased bonds invariably at the top price of the year, and only of such merit as is represented by the average of those in the Dow-Jones list, even so the decline would have been only about 23 points, in contrast to the decline of 38 points in the bonds they actually did buy.

Meanwhile, the customer bought bonds on his own account. He was inclined to delay his buying until he could see definite indications as to price trends, but, influenced somewhat by the insistence of the trust company that bonds were at a buying level, he bought within a week or two of the time they did. Though in no sense an expert, he did exercise reasonable caution. He made inquiry among several well-informed friends, and looked up a number of bonds of AAA rating. One of those he selected was an issue of the Westchester Lighting Company, for which he paid around 104, and at no time in 1931 did it sell below 100. He bought Cincinnati Gas & Electric at 95, and the lowest price of the year was 83. Another purchase was Consolidated Gas bonds at 103, and their low price for 1931 was 89½. Several others might be mentioned. On all bond purchases made on his own initiative this customer had an average decline in value of little more than 10 per cent — and yet the average yield for these bonds was not greatly less than from those in his trust account which, because of inferior quality, had suffered a decline of 38 points.

Not only did members of the bank's trust committee show poor judgment when left to their own devices, but they invariably failed to follow suggestions of caution from the man whose money they were investing. When his bonds in the trust fund started to look sour, this man began to send to the bank telegrams, letters, and telephone messages, recommending that it switch his bonds into more conservative issues. Invariably the bank's reply was: "We see no reason to sell any bonds in your fund at this time."

Yet if they had responded to his proddings, they would have saved him thousands of dollars. Indeed, following his conservative counsel evidently might have saved other customers thousands of dollars also, for a member of the trust committee made this ingenuous and astounding admission:

"You should take it on the chin, for you have fared *no worse than anybody else*."

As already mentioned, this private investor did not consider himself an expert. In fact, his feeling that his investment knowledge might be faulty was the very reason he had placed half his cash in trust. He had nothing more than elemental common sense to guide him. Just why, then, was he so much more successful than a great trust company, with all its resources of information and long experience?

The answer is that the private investor enjoyed freedom. He was free of certain prejudices and temptations that, to a trust company, are almost insurmountable handicaps. A large trust company, because of its size and the very nature of its methods, is frequently well nigh barred from intelligent action. Because of its prejudices and handicaps a trust company sometimes buys securities, for widows' and orphans' funds, that many of the company's own employees would know better than to buy for themselves.

Temptations of Trust Companies

A banker is constantly beset by temptation to yield a little of a customer's safety in favor of more profits for the bank. In the trust department, a bank's charges are based on income. If an individual investor has only $50,000, his mode of life will be much the same whether his income is 5 per cent or only 4 per cent. But to a banker, handling many millions, his share of that extra one per cent of other people's incomes is worth thinking about. He wishes to have all trust funds in his care yield as much income as is compatible with a reasonable degree of safety. Just what *is* considered a reasonable degree of safety has been readjusted in recent years. Bankers became

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inclined more than ever before to take chances.

Apart from greed, a trust company is handicapped by the very size of its business. A large bank can afford to pay higher salaries and thus obtain a presumably greater degree of investment talent; but this gain is offset by the fact that any investor or speculator is obviously less nimble, less able to make quick shifts, if operating on a big scale. When a bank buys bonds for a small trust account, it does not select such bonds *only* for that one customer. More likely the bank has made an investigation regarding that brand of bonds, or for one reason or another has a prejudice in favor of them, and has bought them on a fairly large scale. It distributes them among various customers' funds. If anything happens to indicate that the bonds are not quite so good as at first appeared, what is the bank to do? If it sells only two or three bonds to protect one small trust account, but does not sell bonds of the same issue from other accounts, and the bonds drop in price, then there has been discrimination in favor of one customer rather than uniform protection of all customers. When this discrimination is found out by the other customers, as sooner or later it probably will be, then the bank is in for sharp criticism — and nothing annoys a banker more than to be a target for righteous attack. He is accustomed to holding the whip hand himself.

If, on the other hand, the bank wishes to recognize its error and sell bonds on a big scale, this selling might of itself be enough to disturb the market in that particular issue; it might force prices so low that customers' accounts would show more losses than ever. Hence it is extremely difficult for a large trust company to remedy its own errors. All this being true, a trust company is inclined to stand by its original buying judgment, no matter how bad that judgment later proves to be. An individual can sell and protect himself from approaching bad news easily enough; but a bank finds the selling problem incomparably greater.

Besides the difficulty of selling goods that have already shown a tendency to drop in price, without sending prices still lower — in other words, without doing precisely what the banker is most desirous of avoiding — there exist other human reasons why a trust committee is slow to sell whatever it has bought. To do so is to confess that one was wrong, and this is not a happy situation to face. Unwillingness to admit an error, even to oneself, has brought many a speculator and investor to grief — especially in the last two or three years. Men who could easily endure a loss of a point or two in a pet stock seldom take a small loss; they wait until compelled to take a much larger loss.

Now, if an individual, answerable to no one but himself, is unwilling to admit when he is wrong, consider how much greater must be the reluctance of members of a trust committee to admit an error involving the welfare of hundreds of customers! Moreover, the harmful effect on a bank's reputation of a small error promptly confessed is more immediate than that of a greater error *not* confessed. I could offer a considerable mass of evidence to show that an average trust company, facing a choice of two evils, would rather let a customer suffer a large paper loss than what may be called a "takeable" actual loss. So long as a bond does not default payment of interest, the trust company continues to draw its share of the income, and if the customer is long-suffering enough, all may yet be well. The bond is not due for, let us say, thirty-seven years, and the bank can say: "You are not going to lose anything. Just wait patiently these next thirty-seven years and you will find your bond is all right."

There is no immediate way to prove they are unduly hopeful.

Protection against Negligence

On the important question of negligence by trust companies, the law has failed to give the customer the protection which, by any reasonable standard, he is entitled to have. It is a general rule of law that one is required in all situations to exercise the care which a reasonably diligent and prudent man would be expected to use. A doctor is negligent if he does not conform to the standards of care exercised by the medical profession as a whole. Similarly, anyone holding himself out as possessing special skill in any field must live up to his claims.

But the courts have not followed this rule. True, in one important case the surrogate imposed a special duty of care and skill on the trust company and found it negligent. His decision was hailed in the official *New York Law Journal* for June 25, 1930, as follows:

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"That any trustee, corporate or otherwise, could sit idly by and see a company in which it held securities retrograde to almost a position of bankruptcy, and do nothing with respect to the securities, and at the same time seek to escape liability for such neglect, is not to be thought of in a modern enlightened age, no matter how clear the good faith."

Nevertheless, the Court of Appeals reversed the decision and held that there was no negligence whatever, because each month reasonably looked like the bottom of the market to the trustee, and he was justified in waiting for better times which did not come.

In Indiana a trust company, when brought into court to account for its careless work, pleaded that it was not responsible for more than the ordinary standard of skill and care — that is to say, that it could not be expected to show any more ability than the average man, whose financial blunders it professed itself able to avoid. It insisted, further, that it was liable for negligence only in *buying* securities; not for retaining them while they depreciated. Such retraction of advertising claims appears to be the rule when trust companies are called to account for negligence.

The situation, in fact, is even worse than the foregoing indicates. Investors almost never recover from trust companies on grounds of negligence. Examination of more than thirty cases on this point makes it clear that the poor objecting investor is licked before he starts. The burden is on him to prove that the trustee was negligent, and it is universally held that the mere fact that the trustee continued to retain securities while they went steadily downward does not of itself constitute negligence. The beneficiary must show the absence of rhyme or reason for such conduct and overcome the trustee's contention that every day he had expected the market to turn and recoup all that had been lost previously. If, on the other hand, the security sank swiftly, the trustee pleads that there was not time to unload. The court alwavs finds an excuse for the trustee.

Shady Practices

I have been discussing trust companies here in terms which assume an honest effort, subject to natural handicaps, to do a good investment job for customers. I have not touched on practices of those trust companies, numerous enough, which use their trust funds as a dumping ground for securities the bank has bought unwisely for its own secondary reserve. Since questionable bonds may be transferred to trust accounts without glutting the open market, or disturbing prices, to do this is a temptation which must constantly beset every trust company. This practice is generally forbidden by law, except in certain states where lobbies have succeeded in putting through statutes specifically permitting it. But again there is a legal loophole. The selling of securities is usually not done by the trust company itself but by a subsidiary bond corporation. Thus the court is faced with the problem of how far the corporate fiction should be disregarded and the corporate veil pierced. Even more resourceful are trust companies which accomplish the same result by buying from an independent trust company with the tacit understanding that the latter will return the favor by buying the former's securities for its trusts. In other words, Bank "A" buys from Bank "B," and Bank "B" buys from Bank "A" — at padded figures. Such agreements are extremely difficult to flush into the open.

In all fairness it should be stated that by no means all trust companies engage in such practices, but it is important to learn, before dealing with one, whether it does or not, and that is not always easy.

Another shady practice which appears to have gained headway is that of collusion between lawyers drawing wills and trust companies which are appointed trustees upon their supposedly disinterested advice. Surrogate George A. Slater, of Westchester County, New York, in an article in *The American Bar Association Journal* for July, 1931, warns against entrusting the drawing of wills to lawyers recommended by trust companies. He says:

"Can we be sure that, when a trust company distributes advertising material and solicits the insertion of certain provisions in wills or trust indentures, a lawyer regularly recommended by it to customers will refuse to insert such provisions in wills? . . .

"Wills are drawn to provide that the trustee shall only be liable for gross neglect, or other actual malfeasance, thus freeing the trustees from many of the responsibilities which the law would otherwise place upon them."

On the subject of wills drawn for the benefit of trust companies, Henry W. Jessup, distinguished member of the bar and co-author of the leading book on trust work and surrogate's

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practice, wrote to the Editor of *The New York Times* on December 17, 1931:

" . . . I don't think it is generally known that there are, literally, billions of dollars tied up in the hands of trust companies in the city of New York alone. The majority of wills, I presume, to-day are drawn by the attorneys for trust companies — their legal services being proffered free of charge, in spite of the modified form of advertising circular, or agreement, which the trust companies now profess as demonstrating their determination that the client's attorney shall himself draw the client's will.

"Can you imagine the attorney for the trust company holding a brief for the children of the prospective testator? Look at any important will filed for probate and you will see that it is the grandchildren, if and when they appear, who are made the remaindermen of the trust. *It is that which insures the control of the funds by the trust company for at least one generation, if not two.*

" . . . there should be restored among the statutes of the State one (repealed some time ago at the instance of trust-company influences) which enabled the life beneficiaries and the remaindermen of any given trust, by common agreement duly executed in writing and recorded in the County Clerk's office and the Surrogate's office, to terminate a trust which might otherwise have continued indefinitely."

Surrogate Slater, in the article previously mentioned, attacks openly the advertising and salesmanship methods of the trust companies, certain of which he characterizes as "on a level with the much-condemned ambulance-chasing." His views on this matter deserve wider public attention than they have received:

". . . The extensive business of acting as executor of wills and trustee under trust indentures is a recent growth, and the application of modern methods of advertising and salesmanship has developed only in the last few years. With this newness of business, there is no code of ethics controlling, such as controls the legal profession. There is yet a failure among the fiduciaries themselves to appreciate that, in the creation of the fiduciary relationship, there are involved considerations transcending ordinary business standards. . . .

"In soliciting business as a corporate fiduciary, the bank is seeking to create a relationship to which the law attaches an obligation of the highest good faith. There must be no bargaining; there must be full disclosure of everything. It is not enough that the property is safely kept by the trust company; that the trust estate is secure from pecuniary loss. Up to the present time, very largely that is the only real factor which is urged by trust companies. What is back of the effort in advertising, soliciting, and competition is, of course, the desire, as a matter of business, to secure the commissions attached to the office of executor or trustee. That is just plain business. But there is the inherent danger that, in securing such business by the methods designed, the interest of the man whose estate is to be trusteed may be overlooked.

"In recent years, many associations of business men have adopted for their guidance codes or canons of business ethics. Why should not corporate fiduciaries get together and agree to apply those rules of ethics applicable to the establishment and conduct of fiduciary relationships?

"The institutions are creatures of the State. . . . It is the plain duty of the legislature to protect the public from exploitation in every field. If those who operate under corporate franchises cannot control, by their own action, unseemly and highly improper activities, legal restraint against such operation will surely come. The continued conduct of some trust companies in violation of the principles I have suggested may well bring about legislative action controlling all corporate fiduciaries in the creation of the trust relationship."

As the public learns the truth about trust companies, important changes in the conduct of certain of them may be brought about. It seems likely that, sooner or later, they will be compelled to divorce themselves from banks and operate as separate institutions. Until such time, however, and until the courts begin to show greater concern for protection of the customer as opposed to the trust company, the person who is willing to risk his money in a trust fund may at least protect himself by observing the following rules:

1. Have the will or trust indenture drawn by an independent lawyer whom you have reason to trust.

2. Never place a trust fund in any bank or trust company which has a bond department or is affiliated with any bond house, or which has anything to sell you.

3. Before permitting a trust company to handle your funds, investigate the laws of your own state regulating trust companies and do not take for granted protection not specifically guaranteed.

4. Never make a will naming a trust company as your executor without knowing in advance exactly what their charges are going to be.

5. Always remember, in dealing with a trust company, that impressive stone pillars in front of a bank have no intelligence, but that your fund will be handled by bank employees. Look into the experience and ability of those men with whom you will deal.

A Reply to Mr. Kelly's Charges Is Invited.

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Our Greatest Authors

How Great Are They?

by **HENRY HAZLITT**

JUST HOW important is current American literature? How much of it will be read and remembered a century from now? Which of our present literary figures, if any, will bulk large to our great-great-grandchildren? Are we now in the midst of a literary renaissance, or in an era of stagnation? Dogmatic answers to some of these queries would be fatuous. Yet the queries themselves are important; merely to raise them may help to give us some perspective on our own age; and what honest answers we do arrive at may prove sobering.

Drawings by Karl Woerner

George Santayana

We cannot attempt specific answers, however, until we have seen the problem in its larger setting. We might do worse than to begin with the hard-headed reflection that when critics predicate "immortality" of a given author's work, they are using the phrase in a purely rhetorical and grandiloquent sense. When they say that a work is immortal, all they mean is that it seems likely to endure for a comparatively long time — long, that is, as political historians measure time, not as geologists or astronomers measure it. The oldest literary reputations today, such as those of Homer and Confucius, go back barely 3,000 years — a mere tick-tock to Sir James Jeans. Now the misfortune our present writers face is this — that in the modern world even this comparative "immortality" is becoming increasingly difficult to achieve. For, in the first place, posterity can carry only a certain amount of cultural baggage from the past, and it is therefore compelled continually to lighten its load. Every time we add a new book to the list of what we call the world's classics, we silently drop an old one. We may piously profess otherwise, but that is merely polite or hypocritical pretense. Literary values are not absolute; good work is crowded out by better, old work by new. If this were not so posterity would simply drown itself in a sea of "masterpieces." To borrow a very useful term from economics, there are always certain "marginal" classics, and when posterity adds some new classics to its cargo, it is compelled to jettison a few of these old ones. This is not to deny that there has been until the present time a constant net increase in the number of living classics; we have been taking on more than we have been throwing overboard; but it is plain that this net increase cannot continue indefinitely. In time a sort of cultural saturation point, quantitatively speaking, seems likely to be reached.

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Our living writers, then, are in the unfortunate position of being in competition with an ever increasing number of dead writers. But this is not the worst of it. Our American writers are in competition as never before with foreign writers, both living and dead. So close is the present connection between English and American publishing, that many works are now published simultaneously in the two countries, and with Shaw, Wells, Kipling, Galsworthy, Charles Morgan, Priestley, the Powys, the Sitwells, Joyce, Aldous Huxley, Clive Bell, Chesterton, Virginia Woolf, Bertrand Russell, Whitehead, Eddington, Haldane, Jeans, the ambitious American who is "fond of reading" probably devours fully as many contemporary British as American books. And he does not stop here. He reads, at least in translation, books by contemporary French authors like Proust, Gide, Valéry, Morand, Maurois. He reads books from Germany by Thomas Mann, Spengler, Keyserling, Ludwig, Remarque; from Austria by Freud and Jung and Schnitzler; from Italy by Papini and Pirandello; from Spain by Unamuno, Pio Baroja, the Quintero Brothers; from Norway by Hamsun, Bojer, Sigrid Undset; from Russia by Gorki, Trotsky, Pilnyak — and so forth. Notwithstanding the recent pious attempts to preserve "regional culture" we are moving beyond even the possibility of a national culture. From now on the American writer must struggle desperately for survival against a furious international competition.

Theodore Dreiser

Many authors come to live a sort of half-life in the literary histories and textbooks, but it is not this pseudo-survival in which most of us are really interested. If we review American literature historically and attempt to list those writers still vital for us, we find scarcely a dozen: Franklin, Hawthorne, Emerson, Thoreau, Melville, Poe, Whitman, Mark Twain, Emily Dickinson, Henry Adams, William and Henry James — the reader may include one or two others, or omit one or two to suit his taste. How many of our present American writers are men of this stature? How many of them seem likely to be as important for our descendants a century from now as Emerson is for us to-day?

Our Novelists

Confronted with such a question, the natural tendency of most persons will be to think first of our novelists. And there can be no question that we are now rich in talented writers of fiction, a fact apparent when we list a dozen or more of the most eminent: Theodore Dreiser, Sinclair Lewis, Ernest Hemingway, John Dos Passos, Upton Sinclair, Ring Lardner, Willa Cather, Edith Wharton, Evelyn Scott, Elizabeth Madox Roberts, Branch Cabell, William Faulkner, Thomas Wolfe, Thornton Wilder, Sherwood Anderson. Many of these novelists are read by most of us with real pleasure; one would prefer to discuss their merits; but here it is necessary to point out, instead, that the perspective of a hundred years is cruel. When one gives thought to the question, which novelists, if any, of our day seem destined to survive a century, one is obliged to turn first, not to America, but to Europe. The one novelist in whom we can have absolute confidence in this respect is Proust. If asked for other names we might add first Thomas Mann, then perhaps Knut Hamsun. James Joyce's *Ulysses* will surely endure as a literary curiosity if nothing else. But when we turn to our list of Americans we make a sharp descent. It is perhaps not necessary for our present purposes to talk of

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specific defects; one need merely remark, bluntly, that our novelists have not the necessary stature. And where they do have one or two essential qualities, they seem devoid of the others. Those who are concerned with style and structure, like Cabell and Wilder, either lack power and substance, or, like Willa Cather, are just not sufficiently absorbing. Those who, like Dreiser, have power and substance, write with disheartening clumsiness. Most of them are too immersed in the mere externalities of the current scene, and are bound to suffer accordingly; and — far more damaging — few of them can create unforgettable characters. John Dos Passos, for example, has humor, force, stylistic virtuosity, and an astonishing range of awareness; but his characters blur into each other; one quickly forgets them; and — a reasonably sound test of enduring qualities — one feels no impulse to reread his books.

On the basis of present work, the two novelists who seem to me to have the best chance for survival are Dreiser and Sinclair Lewis. The latter's best and richest book is undoubtedly *Arrowsmith*, but it is *Babbitt* that seems likely to be longest remembered, because it is more typical of what Lewis stands for, because it has given a new word to the language, because it has portrayed and caricatured the American philistine both for ourselves and for the world with unequalled mastery. But here again we must ask whether Lewis has not told us too much about transitory externals and too little of Babbitt's inner mystery. Much of our pleasure in *Babbitt* is the pleasure of recognition. Will this recognition exist even fifty years from now? Will not the slang itself prove a mere obstacle to future readers? Will they not be incapable of recognizing Lewis's superb mimicry? The philistine will still exist, of course, but he will have changed very much superficially, and there will be many new portraits of him. What will happen to George F. Babbitt when he has to compete not only with all these descendants, but with all his ancestors since Molière's Jourdain? It is with these considerations in mind that I should be more inclined to place my money on Dreiser. Alone among our contemporary novelists he has created characters — Jennie Gerhardt, Hurstwood, Cowperwood — that are round, solid, individual, and unforgettable. He communicates as none of the others do his enormous appetite for life, and his profound sense of its tragedy and pathos. It remains to be seen whether these qualities will be enough to overcome the mountains of prolix detail in his books and his appalling style — serious handicaps if one hopes to live a century.

Our Only Great Dramatist

In studying the drama our problem is much simpler. There is only one figure whom we need consider. Eugene O'Neill stands out not only as incomparably the most important of our present dramatists, but as the most important dramatist yet to emerge in America. Unlike Dreiser and Lewis he has not handicapped his chance of survival by too deep an immersion in the current scene. He has chosen to deal with elemental passions. No one can deny him rare dramatic power; no one can deny him size. Yet his plays are too schematic; their dramatic effect rests too much upon situation and too little upon character. His characters, moreover, are almost never rich and well-rounded. They are nearly all neurotics, monomaniacs; they are seen only from one side, and this gives even his most powerful plays the curious quality of seeming to exist in only one dimension. And if O'Neill has avoided the handicap of losing his plays in the adventitious details of current American life, he has, unfortunately, rested many of them too heavily, and too crudely and obviously, on the passing vogue of psycho-analysis.

Our Poets

When we turn to our poets, we come to the most difficult field for the critic or prophet. Current American literature is as full of poets of high talent as it is of talented novelists. Current American poetry, indeed, is richer and more interesting than current English poetry. In saying this, I am ruling out some of the main figures which, five or more years ago, were thought to constitute the heart of the "poetic renaissance" — figures like Masters, Sandburg, Vachel Lindsay, whose reputation is already fading. But this still leaves us with a considerable list of poets whose work calls for consideration — T. S. Eliot, Robert Frost, E. A. Robinson, Hart Crane, Robinson Jeffers, Edna St. Vincent Millay, Elinor Wylie, Leonie Adams, Archibald MacLeish, Conrad Aiken, Isidor Schneider,

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Horace Gregory, Stanley Kunitz, Ezra Pound — the list, indeed, if we included everyone in whose work there seemed the possibility of survival, would be much longer than that of the novelists. And the reason for this lies in the nature of poetry itself. Its very traditions protect it from the vice of our fiction — a vice, at least, from the standpoint of longevity — that of obsession with passing external details. Poetry tends to deal always with what is permanent in problems, situations, and passions. Moreover, while a novelist to survive must write at least one whole novel that survives, a poet may imaginably survive through a single sonnet. "Only write a dozen lines," as Emerson remarked, "and rest on your oars forever." But while it may be untrue to say of many of our present poets that they will be unreadable a century hence, one may say with some confidence that they will be unread. Literary death comes, if from nothing else, from overcrowding.

The contemporary poet who seems to have much the greatest chance of long survival is T. S. Eliot, whom for present purposes I shall consider an American. His "Wasteland" is the most discussed poem of our time. It seems likely to stand as the finest contemporary expression of the plight of a generation, a generation yearning after past glories, crushed by vulgarity and sterility in a land

> where the sun beats,
> And the dead tree gives no shelter, the cricket no relief,
> And the dry stone no sound of water.

The poem, it is true, is "difficult," and crowded with esoteric allusions, but even if we were to assume — which I do not — that this difficulty will prevent it from surviving, Eliot would still be secure through half a dozen other poems — "The Love Song of J. Alfred Prufrock," "Gerontion," "Sweeny Among the Nightingales," "The Hippopotamus," and the memorable poem beginning:

> We are the hollow men
> We are the stuffed men
> Leaning together . . .

Next to Eliot I should place a poet of a very different nature, Robert Frost. He is not primarily concerned with the plight of this or any other generation; his poetry is lucid, and there is in it, to use Ludwig Lewisohn's admirable phrase, a "quiet magic" which seems destined to keep it alive. Edwin Arlington Robinson, though often mentioned with Frost, does not seem to me to be really comparable with him. He has written a few excellent things, but the bulk of his verse seems too abstract and dull to be long preserved. Robinson Jeffers' work, on the other hand, seems destined to endure because of its sheer narrative intensity and power. Jeffers' qualities make one think of him as the Eugene O'Neill of our poetry. The late Hart Crane is a difficult figure to assess. His work, like Eliot's, has many obscurities in it, but we cannot read the first three lines of the "proem" to "Brooklyn Bridge" —

> How many dawns, chill from his rippling rest
> The seagull's wings shall dip and pivot him,
> Shedding white rings of tumult . . .

without recognizing that we are in the presence of a poet of brilliant gifts. And he could write fragmentary lines with a vibrant force rarely found in the poetry of these days:

> O Thou steeled Cognizance whose leap commits the agile precincts of the lark's return —

It remains to speak of our leading women poets, Edna St. Vincent Millay and Elinor Wylie. The first, particularly in her earlier volumes, wrote much that was touching and fresh, but I cannot help but feel that she has been much overpraised. There is a great deal of feigned emotion and false rhetoric in her, and this seems likely to become increasingly obvious as the years pass. But as the largest number of poetry readers in America are adolescents, particularly female adolescents, Edna Millay's poetry may appeal to this audience for many years. Elinor Wylie's verse is maturer, and somewhat wider in range; for sheer craftsmanship it is not excelled by that of any contemporary poet; it is exquisite and lovely. But it seems to me, at bottom, to treat conventionally poetic subjects in the conventionally poetic way; it opens (to apply the standard once proposed by Edward Garnett) no new windows to the soul. Let us say that Elinor Wylie is an enduring minor poet.

Historians, Biographers, and Critics

Among the historians we can say with reasonable confidence that we have none whose work is likely to be genuinely alive a century from now. The great historian, like Gibbon, Macaulay, Carlyle, is almost always a great stylist: history, finally, is an art; and men like

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Charles A. Beard and James Truslow Adams, while able, vigorous, and intelligent, are not literary artists.

We have had recently some excellent individual biographies, but no biographer who approaches the late Lytton Strachey. Thomas Beer seems our best hope, but his work has so far been too slight and his subjects too haphazardly chosen.

When we turn to our critics we meet again an imposing array of talent: H. L. Mencken, Van Wyck Brooks, Lewis Mumford, Paul Elmer More, Irving Babbitt, Edmund Wilson, George Jean Nathan, Kenneth Burke, Joseph Wood Krutch — the list might easily be made much longer. Of these Mencken, despite the fact that his reputation is now in eclipse, still seems to me the most important. Not that I think the present comparative neglect of him altogether unjustified: his best work seems to be definitely behind him; the old fires have burnt themselves out. His ideas were never very subtle, they were limited in number and range, and they have come to seem stale from repetition. But no critic in our history has wielded the influence on our letters that he did for nearly a decade, and he earned his temporary dictatorship. No other American critic had ever made the enterprise of contemporary criticism seem so important and exciting. Nor has any of our other living writers mastered a prose style that remotely approaches his in gusto and power, or bares so unmistakably the personal imprint of its maker. Yet it is difficult to say what book of his is likely to endure. His best still seems to me to be *A Book of Prefaces*, published in 1917, but it can last only as long as the interest in Conrad, Dreiser, and Huneker lasts. A judicious selection from his *Prejudices* might be saved, but Mencken's own selection is a poor one. The most likely candidate, perhaps, is *Notes on Democracy*, because of the more permanent nature of the interest in that subject. If it survives it will not be as a contribution to political science, but simply as superb abuse.

T. S. Eliot

As for the other critics, Edmund Wilson is unfailingly intelligent and patiently interpretive, but does not write with enough flavor to lead one to think that his work will be long read. Van Wyck Brook's early volumes, I think, will prove more permanently suggestive and interesting. Lewis Mumford has been an important cultural critic and historian, but his style and philosophy seem to me a little too self-conscious, lacking in personal freshness and warmth. Paul Elmer More has scholarship and an attractive style, but nothing sufficiently new or provocative to say. Babbitt is just a minor Brunetière. Krutch has written admirable specific criticism in *Five Masters*, but he seems more likely to survive through his more general work, *The Modern Temper*, which may stand as the prose counterpart of Eliot's "Wasteland." On the whole, contemporary American criticism offers little which may be expected to be of permanent interest.

Our Philosopher

This brings us, finally, to our philosophers. I cannot see a long future for the works of John Dewey. He has devoted himself too largely to developing some of the more dubious implications of pragmatism; he has neither the originality and penetration of Peirce nor the stylistic gifts of William James. His writing, indeed, lacks not merely the graces, but clarity,

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precision, and firmness. One emerges from his books like a wrung rag, with no desire to open them again. Morris R. Cohen's *Reason and Nature* seems to me likely to prove more permanently interesting than the great bulk of Dewey's work.

But the greatest living American philosopher — if, indeed, we are entitled to consider him an American at all — is the half-Spaniard, who prefers to think of himself as a cosmopolite, George Santayana. He is not only our greatest living philosopher, but by all odds our greatest living American writer. He is not read widely, and he may never be; his work is not currently discussed in any proportion to its real greatness: no matter. As Schopenhauer has remarked, the fame of philosophers is more distinguished for its length than for its breadth. But Santayana is no mere technical philosopher, like Locke or Kant; he is a philosopher in that broader sense in which Plato and Nietzsche were philosophers. What makes me so confident of his permanence is the sheer profusion of his gifts and virtues, and the harmony into which he has woven them. He is not merely our profoundest thinker, but also our most finished artist in prose. Better than any other modern philosopher he has reconciled naturalism and idealism, hard-headedness and a sure sense of values. Alone among our present writers he is comparable in stature with Emerson. One cannot compare him even with a writer like Matthew Arnold without recognizing that it is Santayana who has the richer, deeper, and more plastic mind. He is a fine poet, an accomplished essayist, and, with the doubtful exception of Shaw, the greatest of living aphorists. These aphorisms are scattered by the hundreds through his work: "Those who cannot remember the past are condemned to repeat it"; "Perhaps the only true dignity of man is his capacity to despise himself"; "It is easier to make a saint out of a libertine than out of a prig"; "Culture is on the horns of this dilemma: if profound and noble it must remain rare, if common it must become mean." These are never meretricious verbal triumphs; they are as authentic as La Rochefoucauld's; each contains the essence of a possible essay. Personally, I can never read a volume of Santayana's often enough to feel that I have exhausted its meaning or its satisfactions.

Eugene O'Neill

Perhaps I had better summarize this survey, and add a few comments for clarification. Current American literature seems to me richer in minor figures than ever before, but poorer in major figures than it was in Emerson's day. Not more than three or four of our current writers — at most — seem likely to achieve a place as great as that already held by a dozen American writers of the past. George Santayana, principally through his masterpiece, *The Life of Reason*, is easily the most secure of these; but he now prefers not to live in America. T. S. Eliot seems to me to have the next best chance; but he prefers, like Henry James, to be a British citizen. For the rest, the contest seems to be chiefly among Dreiser, Lewis, O'Neill, Frost, and Jeffers. If American literature is destined to sink into a long, sterile period, all five and more may be remembered; if within the next century there is a great literary flowering, they may all sink to the level of footnotes.

This Is the First of a Series of Articles on Contemporary Literature.

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God Loves the Irish

by **RICHARD LANTRY**

After Mr. John Gavin had added the final peroration to his article, "The Irish Myth," in the June Forum, he must have leaned back in his chair with a beatific contentment, gently dribbled his fingers on the still-steaming keys of his typewriter, and found great consolation in the fact that "something attempted, something done" had earned a night's repose. Starting out merely to wipe the Irish, and especially to-day's species of urban Irish-American, off the face of the earth, he had ended by insulting with almost equal vigor Bishop Cannon's large and militant flock, the Jews and their "Communistic tommyrot," Back Bay spinsters and New England in general, Tory Englishmen, and "Wops." A knife-thrust here, a flick of the whip there — with magnificent impartiality he spared no race or creed: a skillful, delicate job, considering that he felt it necessary to reserve most of his arrows for the race of which, to his profound disgust, he happens to be a member. He proves beyond a doubt his own statement that "in vituperative power, at least, the Irish-American of the fire-escape class is the equal of any minor poet in the land."

To reply in kind to Mr. Gavin is hardly feasible, since the result would be only a tiresome exchange of green bile. Although a large and sensitive audience listened while Mr. Gavin denounced the Irish, only a restricted circle could find much entertainment in an Irishman denouncing Mr. Gavin. The burden of proof, therefore, rests heavily on whoever undertakes to dispute the Gavin array of accusations; and the thing to be proved is not that the author of "The Irish Myth" is a disgrace to Erin, a pseudo-Menckenian clown, an unregenerate apostate from the Church, or a tilter at windmills — all this one must decide for oneself — but that the subtitle of his article, "What Have the Irish Ever Done for This Country?" merits a positive answer.

Now it is an aphorism that constructive criticism is a good deal less enthralling than the destructive brand. I could, it is true, rant on concerning the blessings brought us by the Irish in what I hope would be as fiery a tone as that which Mr. Gavin employed in listing their defects and liabilities. I could mention, with the same Mickish embellishments he used so deftly and inappropriately in the opposite cause, the fact that if the Irish are a force in America, whether for good or evil, one must at any rate grant them the virtue either of natural persuasiveness or of no little hard work, since in actual number they are outranked by the Germans, the Poles, the Italians, the Canadians, the Norwegians, Swedes, and Danes, and the Russians, none of whom — except of course the Russians, whose menace (if menace it be) stems more from their political beliefs than from their racial characteristics — are usually considered to be a threat against Americanism.

As a matter of fact, however, and probably to the great relief of my readers, I do not intend to pursue the point-with-pride technique in my attempt to confute Mr. Gavin. If I set out to enumerate the benefits which the Irish-Americans, whether humble or famous, have conferred upon their adopted country, I might not convince and I should undoubtedly bore; and whatever might be said of "The Irish Myth," it was far from boring. Consequently I must choose another approach.

Seed of the Famine, Eh?

I am fourth-generation Irish on both sides of my family, and so my ancestors preceded the throngs which emigrated to America after the Irish famine of 1847–1851 because, according to Mr. Gavin, "it required less effort to come than to stay." As he says, the descendants of that harried mob form the majority of contemporary Irish-Americans; and he implies that therein lies the root of evil. "Among most

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other nationalities," he states, "it was the poor but hardy and adventurous who came to America." One is left to infer that crossing the Atlantic and founding a new home in a strange country was an easy trick for the poverty-stricken victims of the famine; that because conditions were hard at home, all these softies had to do was to be "wafted aboard the waiting ships."

Now there was precious little wafting aboard ships in 1840. Boats operated, then as now, on a cash basis. And, also then as now, you weren't given that cash simply because you needed it; you earned it — and on a starvation diet. I may be wrong, but it seems to me that the famine made emigration just that much more difficult, and that those who did struggle out of Hibernian hard times deserve considerable credit for their gallantry and determination. Furthermore, when they arrived here they found not a land of milk and honey, or corned beef and cabbage, but a half-finished country. Who built our railroads, not only providing the manual labor but the managerial and pioneering genius? Who carried hods — a traditionally comic trade, but also an essential one? Who, along with the Germans, made Iowa synonymous with good farming? But there — I am flourishing the trumpet, and that I said I would not do.

I repeat: by blood I am Irish, even though the twig from which I branched was long ago transplanted to American soil. Is it because of my ancestry that I am unable to understand Mr. Gavin's peculiarly prejudicial attitude toward certain Irish traits? Perhaps (if so, it would be comprehensible) — but I doubt it. There are some Irish characteristics which I estimate as less desirable than those of other races: Irish brashness, for instance, and on occasion Irish incivility. I view these objectively, and find them flies in ointment. And with a similar objectivity I can at least try to regard other Irish earmarks.

Let us take that indefinable and elusive thing called humor. Irish humor, says Mr. Gavin, is a dubitable quality. What little there is of it is "an escape from life" and betrays "a weird lack of the sense of proportion that underlies rational humor." With which I heartily concur. Irish humor *is* irrational — utterly so; and that, I think, constitutes its main charm, not only for the Irish themselves (except Mr. Gavin) but for temperaments far different. To describe it as "an escape from life" strikes me as complimentary rather than condemnatory. I should say, indeed, that the Irish have been as active in the art of laugh-provoking as any other nationality. And, moreover, their humor can at times apply extremely closely to "life," as has been evidenced from the time of Swift to Finley Peter Dunne's "Mr. Dooley."

Along with humor, Mr. Gavin denies the Irish any appreciation for or love of beauty, either in nature or in art. Yet those "shanty-like churches and horrible houses" in Ireland itself to which he objects actually go a great way toward giving the island the "somber charm" which he praises. Sod shanties would, I grant, be ugly in almost any other setting; but in Ireland they belong to the earth. Who would prefer to see Ireland dotted with American bungalows or Spanish loggias? Not I. I should be among the first to shudder at the sight of a thatched cottage in Illinois, but I should also be among the first to miss it if I didn't see it in Ireland. Not that I have ever been in Ireland. Still, I have seen my share of travelogues and illustrated calendars.

As for Mr. Gavin's statement that "So far as serious art and literature are concerned over here, the Irish-American horde might as well not exist" — of what descent does he think Eugene O'Neill and Edna St. Vincent Millay to be?

A Varlet Race, Are We?

But these are picayune details when compared to Mr. Gavin's chief charge: that the legend of the liberty-loving Irish is legend and only that. It is to this that he devotes by far the greater part of his invective, and he sums up his conclusion in the flat announcement that "The Irish-Americans are consistently on the anti-liberty side."

Now the truth of the matter — and he himself must have realized the illogicality of his stand — is that throughout his article Mr. Gavin makes "Irish-American" mean "Roman Catholic." I am not going to debate the accuracy of this conception, though there are of course many Irishmen both here and in Ireland who are and always have been Protestants of deepest dye, but I merely wish to point out that it has no place in the present controversy. Wherever Mr. Gavin accuses the Irish of in-

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tolerance, narrowness, bigotry, fanaticism, and illiberalism he actually means the Catholic Church. And while there is room for argument as to the justice of his accusations against the Church, there can be no denying that they *are* against the Church and not against the Irish as a race. Catholicism is a universal organization and concept, no more Irish than it is French. That many of its priests in America are Irish or of Irish descent makes no difference in the absurdity of Mr. Gavin's attitude. They forbid birth control, censor plays, movies, and books, and exert a generally ascetic influence not because they are Irish but because they are ordered to do so by a Church whose center is not in Dublin or Cork but in Rome, whose highest prelate is usually Italian, and whose Sacred College of Cardinals, numbering seventy, includes one Irishman born.

This confusion of ogres is responsible for much of what appears to be iconoclasm in "The Irish Myth." Practically all the disparaging adjectives which Mr. Gavin showers on the Irish because of their supposed inherent hate of liberty are relevant, if they are relevant at all, primarily to international Catholicism, and they apply equally well to French, Spanish, or American Catholics who obey the Church's commands to the letter of the law. It is a matter of religion rather than race; and Mr. Gavin's quarrel is therefore not with the Irish but with an organization to which many Irishmen, but also many other nationalities, belong and, when they do belong, presumably obey with strictest fervor.

If this, the chief volley of the anti-Irish display, is proved to be not so much anti-Irish as anti-Catholic, then what other of Mr. Gavin's onslaughts have I yet to try to return? They are scattered and sundry, so perhaps the best method would be to list them and note briefly wherein I disagree.

Mr. Gavin argues that:

1. The Irish advocate the repeal of prohibition not because they are courageous and liberty-loving but because their priests got more silver offerings from Irish saloon-keepers than they now secure from Italian racketeers and bootleggers. This, it seems to me, is clever but obviously artificial reasoning. No Pat or Mike needs any urging to work for the right to his pail of suds or glass of whiskey. He may not want them from motives of liberty, but on the other hand he does not want them just because his parish Father tells him he should. The fact is that he is thirsty; and that is the important point at this juncture.

2. "A burning speech on Irish wrongs, three days before the election, will swing more votes in an Irish ward than a record for competence, integrity, and common sense." For "Irish" read "Negro," "Jewish," "Italian," or any other race and the statement still holds true. Unfortunately this phenomenon is shared by all of Adam's sons.

3. No politician of Celtic extraction is willing to take a risk; "Al Smith shows spunk at times, but it may be the German half of him." This also is a universal trait; no politician of any race is especially prone to gamble away his chances. And to say that the notable exception to this rule, Al Smith, is governed by his Teutonic blood instead of the Irish strain which predominates strikes me as a hazardous interpretation which cannot be proved and therefore might well be left unsaid.

4. The Irish are unimpetuous, chary of hospitality — this apparently following because in ancient Ireland graded welcomes were given to guests, depending on whether they were churls, chiefs, bishops, etc. To comment on this seems almost unnecessary, since such weighing-of-worth was common all over Europe, and was to assume definite form a little later in the feudal system. But at any rate, just what does this have to do with the generosity of to-day's Irish?

5. New York's West Side is full of "sly chauffeurs, strutting cops, knowing lads in white aprons." All Irish of the lower classes; hence "Servants all. A varlet race in the making." Well, Mr. Gavin — go up to one of those white-aproned lads and make some *in apropos* remark. Then see what happens.

6. "To-day the average Irish-American does not know the simplest and most obvious things about himself and his people. He does not know for instance, that most Irish-Americans are not even Celts, but Iberian as Calabrians or Portuguese."

Does not know — and does not care. Our Irish-Americans are Irish in sentiment, in inescapable racial characteristics, but in all else they are American — as thoroughly American a group as any of the recently immigrated races. They cherish their myths, and flaunt

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them at times to the boredom of onlookers, but they realize that they are myths only. The Irish are rooted to this country as firmly as if their fathers had landed in the seventeenth rather than the nineteenth century. For them their past is alive only as faded daguerreotypes are alive: sentimental — sometimes ridiculously so — but of little use in this world in which we live. They have their defects — what people has not? — but they also have qualities without which this country would be a good deal poorer to-day. It is my guess that they will survive and continue to do credit to the land which has taken them in.

One of those shamrockian saws which Mr. Gavin would be likely to regard — with considerable reason, I admit — as offensive and irritating is "God loves the Irish." I agree that it is an unnecessary piece of harp-waving. But, begorra, isn't it so?

Radio Reviews

by **CYRUS FISHER**

As always at the end of any season, radio or otherwise, there are a number of offerings which remain to be considered. Disregarding those programs which have previously been neglected because they were remarkable neither for their sprightliness nor their ineptitude, there are a half dozen which cannot so easily be put aside. After much tinkering by production experts, Lucky Strike's omnibus is at last beginning to put some dust behind it. There are two curious rural tidbits which must be sampled. Single-handedly Katherine Seymour has fashioned a sustaining adaptation of "Tish" which is far more acceptable than the average sponsored exhibition of creative genius. And all, except one, of the sponsored programs mentioned this month may be complimented on their perspicacity in anticipating a tendency which will be realized by the majority of next winter's broadcasts. I refer to the tendency of the sponsor to experiment with his program in an effort to determine just how much commercial fodder he can pile on without completely breaking down his vehicle.

Lucky Strike's Omnibus

The American Tobacco Company now sponsors three separate programs each week, distinctly different in their elements, which are considered separately below. Owing to N.B.C.'s policy of withholding technicians' names, I am unable to give credit where much of it is due.

Tuesday Night Mysteries. "Police Dramatizations" taken from police records, with Basil Ruysdael, James Spottiswood, and cast. Thomas D. Curtin, continuity. Two 13- to 14-minute acts, chopped up with ten 30-second to one-minute interlading's of Walter O'Keefe, five 2- to 6-minute snatches of dance music, and three appearances of Howard Claney, announcer. One hour Tuesday nights.

I am not against dance music, nor am I ill-disposed toward Mr. O'Keefe. But I do think it is a serious mistake to mix them in such proportions with any detective melodrama. A dramatic production, and especially a mystery drama, depends upon the atmosphere it is able to build up. When that atmosphere is rudely shattered by a rain of dance music and the injudicious jokes made by the master of ceremonies upon the very action we have just listened to, the best actors and continuity in the world could not prevent a disillusioning letdown in audience interest.

That is all that is the matter with the Tuesday program. Basil Ruysdael ably hews to the public conception of a master detective in his part as "Barry Rudd." The other voices are quick and lively and satisfactorily sinister.

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The use of appropriate "bridges" — the sounds (as of a gong in less imaginative productions) which bear the same relation to the radio drama as the dropping of a curtain on the stage, to denote lapse of time and change of scene — including police sirens and the voice coming through the police car receiving set, was a particularly happy idea. If the confusing sequence of extraneous elements can be rearranged, Lucky Strike Police Dramatizations will be placed at the top of the list of radio mystery plays.

Thursday's Walter Winchell, with 3 minutes, 20 seconds of Walter Winchell pulling out two spicy plums planted in the middle of dance music, and the pale shadow of Walter O'Keefe. One hour Thursday nights.

Walter Winchell is an even greater phenomenon than Rudy Vallée or Jimmy Walker. He has improved immeasurably during his second appearance over the air by being limited to one night a week. The metallic staccato of his voice is no longer tired or strained. It has the incredibly fascinating clatter of the newspaper press in full production. You may not like Mr. Winchell. I doubt that he wants you to. But I defy anyone to try to turn him off when he steps in front of that microphone, bursting with indomitable, brazen assurance, and brings all the importance of a notorious and glamorous world of trivialities into your home. Mr. O'Keefe's chore of taking hold after Mr. Winchell has let go is not easy. After all, you can't expect two Winchells in one program, or even in one age.

Saturday's Hodge-podge. Since Bert Lahr's demission the valiant Mr. O'Keefe has been holding the fort with the help of the better dance orchestras, while new clowns are being considered. One hour Saturday nights.

Many like to dance. There are contrivances on the market which can be adjusted to tune out automatically Mr. O'Keefe's burst of lyric singing at the quarter periods. So perhaps Saturday's child is the most satisfactory as it stands, without additional zanies.

Rural Curiosities

The Country Doctor, with Phillips Lord and cast of no importance. Kelvin Keech, announcer. Phillips Lord, direction and continuity. Technicians' names withheld. Sponsored by Lambert Pharmacal Company. Advertising time irregular; 1 minute, 40 seconds to 2 minutes. N.B.C. WJZ network. 15 minutes every Monday, Tuesday, Wednesday, Thursday, and Friday nights.

This is from the same factory of spurious home-spun as "Seth Parker" and "The Stebbins Boys." Attention should be called to the fact that frequent reference to the divine powers by the chief character in a dramatic program does not necessarily make that program any more meritorious. When deliberately employed to obtain audience sympathy such reference belongs more in the class of dramatic tricks popular with animal acts, where poodles are trained to bark at the waving of an American flag for additional applause. However, there is evidently a sufficient number of sentimental souls whose sole criterion of dramatic values is the religious or inspirational content, to make the Phillips Lord formula for radio programs highly lucrative.

Dr. Seth Parker Stebbins Phillips Lord lays on his treacle in such a flagrantly obvious fashion that there is no pressing need to comment upon his enterprises in detail. Enough to say, in his newest exhibition he assumes the chin whiskers of one Dr. Matthews, a kindly old country doctor with a quaver in his throat, who professes to be philosopher and counselor, brother and friend to all. Since I've stopped listening, he may even have become a mother by now. As in the past, Mr. Lord takes full opportunity to exploit the fondness of a great section of the American public for sham moralizing.

The Corn Cob Pipe Club of Virginia, with master of ceremonies Pat Binford, Dixie Spiritual Singers, Cross Roads Jazz Trio, Fiddlin' Fiddlers, etc. J. Robert Beables, announcer. Technicians' names withheld. 3 minutes of advertising time casually interspersed between barnyard fun, jew's-harp operas, singing, and Mr. Pat Binford's slow, burning witticisms. N.B.C. WEAF network from WRVA, Richmond, Va. Half hour every Tuesday night.

Here we have an article, unless I have been thoroughly taken in, which is as genuinely home-spun as Mr. Lord's is synthetic. "The Corn Cob Pipe Club's" value is purely as a radio oddity. It is possible to hear worse Dixie spiritual singers, although not on the air. The rest of the talent compares favorably with the material found at the far ends of the dial. Despite the amateurish texture of the program, it is amusing to listen to. It has one distinct merit no other program of rural background possesses. "The Corn Cob Pipe Club of Vir-

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ginia" may be country sausage, but it is not bogus country sausage.

For the Ladies

"Tish," with Marion Barney, Helen Lowell, and May Buckley. Katherine Seymour, continuity. Technicians' names withheld. Sustaining program — no advertising. N.B.C. WJZ network. 15 minutes every Friday night.

At last radio executives have realized that their female audience does not climb into bed right after supper. They have given Katherine Seymour the job of distilling the essence out of Mary Roberts Rinehart's "Tish" stories and adapting them to the radio. Miss Seymour has advisedly cast away most of the patches essential to the writer who must stretch a piece of fabric over a certain distance at so much a word. All of the mannerisms and adventures of the determinedly eccentric spinster and her two companions have been retained. In fact, Miss Seymour may be complimented on having concocted a series of delightfully unimportant fillers to replace the sponsored programs which have failed her employers.

Of course her job is the most important of all. In material of this type the actor or actress has little latitude to richen a part; it is the pace and the quick flow of movement which count. Nevertheless, May Buckley, as "Aggie," does a sly bit of business with her consistent underplaying. She manages to overshadow Marion Barney's exaggerated version of the title rôle, "Tish." The gentleman who plays "Tish's" nephew, "Charlie," has evidently learned everything there is to know about acting except how to create a part. But despite the man, "Tish" has much more spirit than the usual sponsored opus. "Tish" probably will be removed as soon as a reputable hair-oil or laxative manufacturer can be found to sponsor some imposing creation reflecting the innate dignity of his product. If so, a large number of radio fans will resent the substitution.

Dance Orchestras

Maxwell House Tune Blenders, with tenor Lanny Ross and Don Voorhees' orchestra. Edmund V. Ruffner, announcer. Technicians' names withheld. Sponsored by General Foods Corporation. Approximately 1 minute, 13 seconds' advertising time. N.B.C. WEAF network. 15 minutes every Monday, Wednesday, and Friday nights.

This is listed because anything offering Don Voorhees cannot be entirely ignored. I like Don Voorhees, but I like him even better on Ed Wynn's programs, where the orchestra does not have to plug a tenor of Mr. Lanny Ross' talents.

American Album of Familiar Music, with tenor Frank Munn, soprano Mary McCoy, contralto Veronica Wiggins, piano duo Ohman and Arden, and male quartet. Gustav Haenshen, orchestra direction. Howard Claney, announcer. Technicians' names withheld. Sponsored by Bayer Company, Inc. Over 2 minutes' advertising time. Half an hour every Sunday night.

The bock-beer era's plush songs. The repertoire has such a redolent smell of moth balls and horse-hair love seats that the program deserves inclusion here as a memento of honeymoon days at Niagara Falls, if nothing else.

Dancing by the Sea, with sound effects by the Atlantic Ocean and various orchestras, including Isham Jones', Don Bestor's, and Freddy Bergins'. Announcers include Norman Reed, George Foster, and John King. Zoog, production. Listed as sustaining program; has the ear-marks of a publicity program for an Atlantic resort, including 1 minute, 50 seconds' publicity time. C.B.S. Half an hour every Saturday night.

"Dancing by the Sea" is a thoroughly modern example of the latest radio abortion — the publicity program where a commercial organization supplies a broadcasting chain with free music for the privilege of unobtrusively bringing in an allusion to the glamour of a particular place or product. In this example, when the orchestra ceases playing they let the ocean roar into the microphone. Highly entertaining. Especially the ocean.

When will sponsors realize that programs of popular music — from "Ah! Sweet Mystery of Life!" suds to the latest blow-torch hotchas — are as brittle as they can be irridescent? No one, wafted into semi-unconsciousness by the voice of a gorgeous female pleading for the pleasure of putting her arms around you, can long stand the too-frequent shocks of an intruding explanation of why you should buy someone's sawdust extract to keep from being ostracized by polite society. A little is all right. After all, you are not paying for the programs, as the listeners do in England. But the sponsor should also remember that he is bribing his audience by the quality and quantity of his entertainment to listen to his commercials. And popular music is not a very strong bribe for listening to commercial credits running over one minute out of every quarter hour.

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These columns are open to brief letters commenting upon any article or subject that has appeared in The Forum. Because of space limitations, the Editor must reserve the right to publish letters only in part. Under no consideration will any letter be returned.

The Eighteenth Amendment

To the Editor:

It is quite true, as Paul Hutchinson insinuates in his article, "Are the Drys Licked?" (September FORUM), that amendments to the Federal Constitution proposed by the President, by the "entertainment committee of the Jenkins Center Parent-Teacher Association," or by "anybody else who takes a fancy to proposing" are but idle gestures. However, Mr. Hutchinson has overlooked an important alternative of Article Five of the Constitution when he says: "But amendments can be introduced — inserted into the Constitutional machinery, so to speak — only by Congress." For, omitting the now obsolete proviso at the end of Article Five, the matter of amendment is thus stated:

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress."

The initiative, therefore, may be taken by the state legislatures, thus obliging Congress to call a Constitutional convention, which can propose an amendment in such form as in its wisdom it sees fit. But Congress has the final word as to the mode of ratification.

I am inclined to agree with Mr. Hutchinson that the drys are very far from licked; and regardless of whether it will be the Republican or the Democratic plan which is submitted, I believe it will be found that the Eighteenth Amendment is sustained by considerably more Democratic than Republican states.

CHARLES Q. DE FRANCE

Lincoln, Neb.

Veterans Committees

To the Editor:

In your September issue I read with much interest the article by Mark Watson on "Millions for Defense." On the whole the facts are correctly stated, and the article gives an excellent picture of the development of veterans legislation. I notice, however, one paragraph which seems to me should be corrected. Referring to the so-called Patman Bill to pay the full amount of the adjusted compensation certificates, the author says: "This attack was beaten off partly through the opposition of the more conservative veterans themselves, one group in which Archie Roosevelt was a leader being particularly active in opposing a treasury raid at so critical a time." The group referred to is undoubtedly the National Economy League which was started by Mr. Roosevelt and Mr. Clarke, the organization meeting being held on May 4, 1932.

The program of the League does not deal with the so-called Bonus. It is aimed at the reduction of expenditures for veterans not suffering from service connected disabilities. The two things are entirely separate. So far as I know, the most active groups of veterans who opposed the Patman Bill were organized in several parts of the United States under the general name of Veterans Committees. The local one here is called the Veterans Committee to Reduce the Cost of Peace. In Pittsburgh it is the Veterans Equity League. Other similar groups were organized in Baltimore, St. Louis, Kansas City, and elsewhere. All of these groups were active in opposing the Patman Bill, and their activity had an important bearing upon the eventual defeat of that inflationary measure. It was under the auspices of these committees that *Billions for Veterans* was published — the first attempt made to trace the history of veterans legislation and to show where it is leading us. This book was in the hands of every member of Congress at the time the hearings before the Ways and Means Committee were being held, almost a month before the Roosevelt committee was organized.

KNOWLTON DURHAM

New York, N. Y.

Benefits for the Disabled

To the Editor:

In his discussion of what the taxpayer contributes, Mr. Watson compares the benefits paid by the allied countries, but he omits to compare Canada's provisions for dependents with ours, or to show our two schedules of ratings, temporary or

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Mrs. L. L. Gray,
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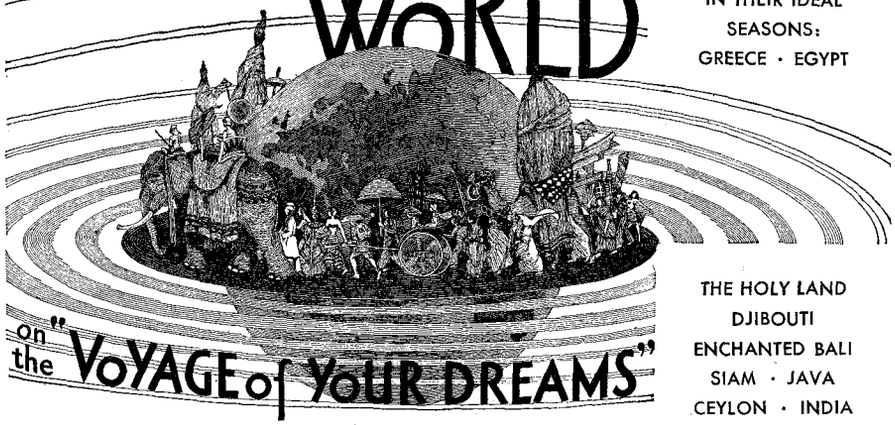

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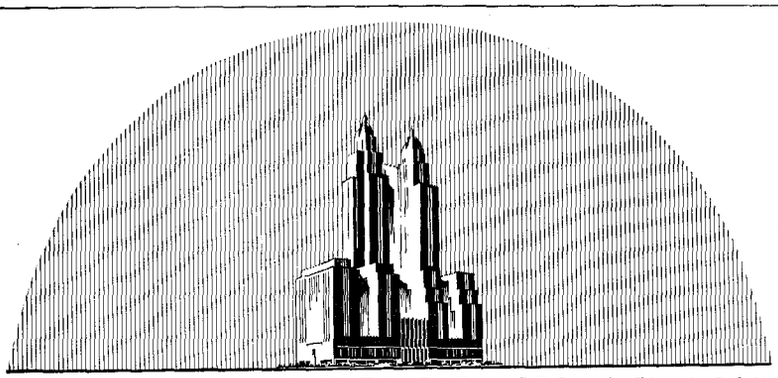

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permanent, with no additional allowance for dependents of the man with a permanent disability. His presentation of service connected illnesses is absolutely inaccurate. Only tuberculosis, amoebic dysentery, sleeping sickness, and nervous and mental diseases are allowed to January 1, 1925, and of these only active tuberculosis is non-rebuttable. Most other illnesses must be shown within a year from discharge, but a few must be shown to have existed during service. Connection is very difficult and often impossible to determine in obviously meritorious cases.

In enumerating the various activities of the government in behalf of war veterans, under provisions for the sick or wounded, Mr. Watson lists "compensation up to $200 a month in the case of the permanently disabled; plus allowance for dependents; plus $50 a month for nurse." A veteran with a permanent rating does not receive additional allowance for dependents; the one with a temporary rating does. Death benefits for dependents are not mentioned.

Twelve years' experience in claims work and with the disabled man and his family has made me keenly aware of the necessity of presenting him accurately or not at all.

MARGARET H. HAWKINS
Lakewood, O.

Rudy Vallée Protests

To the Editor:

I was extremely interested in reading your "Mid-Summer Radio Fare" in THE FORUM of July, 1932. Of course we felt quite honored in the first place to be included in your list of what I suppose would be called the Greater Radio Entertainment Hours.

I agree with your opening paragraph, in which I believe you as much as say that you find nothing wrong with the radio programs to-day. Personally I think radio has been giving mighty fine entertainment for a long time. It has possibly never occurred to critics of the present day radio system that a person cannot leave his radio going from early morning until late at night and not expect to be bored by repetition and similarity. It would be the same if a person were to visit eight or ten moving picture palaces in a big city; the fare would be more or less the same — news weeklies, though perhaps different companies, on the same subjects, and the feature pictures would be mostly about love and drama.

I was especially interested in your analysis of my own humble personality. Your write-up evidently was written at the time we were using Ray Perkins. May I defend myself in the matter of humor? You went on to say, "Mr. Vallée, no matter how musically gifted, has no sense of humor whatsoever — see his autobiography published two years ago. This

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Our Rostrum

deficiency may explain the antagonism of a large masculine audience." If you had thought at all about the subject, and really thought with intelligence, you would have realized that I did not make my success as a humorist. I have never pretended to be a Fred Allen, a Julius Tannen, an Eddie Cantor, or an Al Jolson. Furthermore, you seem to be laboring under the same delusion as many others, that it is necessary to write and emit humor in order to have a sense of humor.

Has it never occurred to you that the real definition and meaning of "sense of humor" is the ability to appreciate humor? Would you call an audience that is convulsed with laughter at the antics of a comedian on the stage devoid of a sense of humor, though none of them would ever, themselves, think of the same clever comedy that the performer on the stage thinks of as a matter of routine? I doubt if there is anyone who appreciates and enjoys good humor any more than yours truly; I have been a champion of Fred Allen for years, he of the subtle, deep, quick, passive humor. Ray Perkins I have admired for a long time; in fact, it was I who suggested that he be on our program, and when I introduced him the first evening saying that it was time we had some humor on our program, I honestly felt that, and had wished for it for many months, as the constant use of vocalists, either male or female, on the program, put me in a spot to try to do something contrasting, and it is obviously quite impossible for me to contrast with a guest artist who sings almost the same type of song that I do.

A few weeks ago, while in Chicago at a Veterans' Hospital, the Connecticut Yankees and I were entertaining. We rushed out in the afternoon and naturally were in informal attire. I was in a tweed suit. In the course of our performance I did an impression of Chevalier; I was in the middle of it when it suddenly dawned on me how ludicrous to be Chevalier of the straw hat in a rough English tweed suit! The situation was so funny to me that I could hardly go on with the number. If this is not a sense of humor, may I ask you what is?

In the matter of my autobiography, written two years ago, it was suggested at the time by a small book publisher that the book have chapters like "From Tom-Toms to Tympanies," and "Cantor vs. Jolson"; in other words, an impersonal consideration of subjects musical. At that particular time I know, from the thousands of letters we received from our fans, that the majority of them, and the public at large for that matter, was intensely interested, whether in a friendly or disagreeable way, in where I came from, and how I came to be, and chapters such

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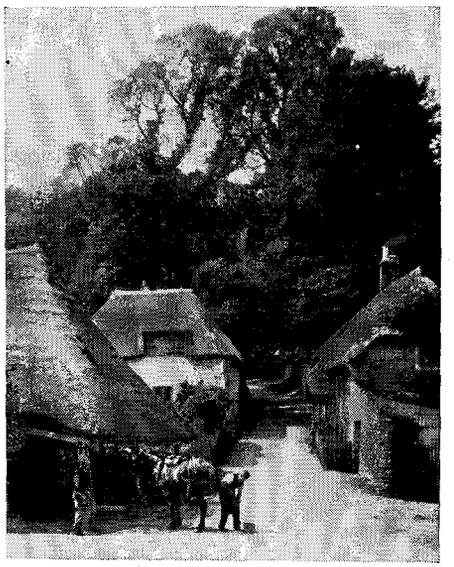

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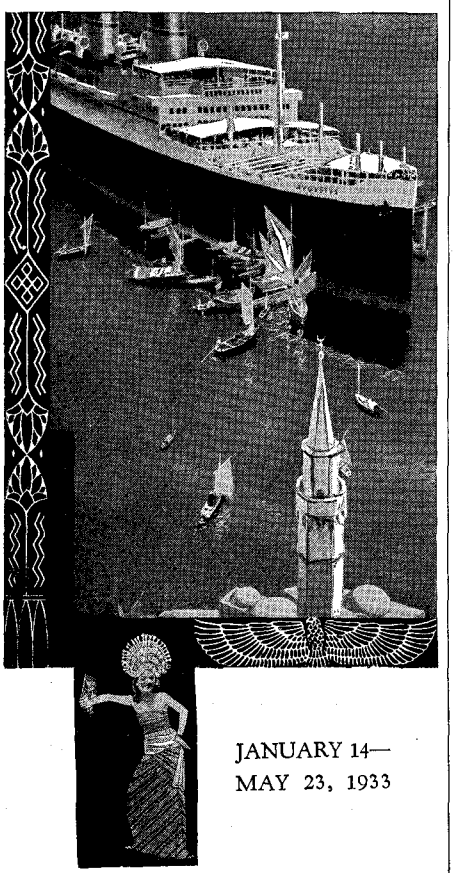

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Our Rostrum

as the above would never explain, or give any information as to what type of mind I might possess. This same small publisher also declared that my first manuscript, which was dictated on the coast and in the East, did not have any humor. I reminded him that I wished the book to express me, and that I am not a humorist or a comedian. There are points in the book, subtle ironic twists of humor, especially where I refer to the good-looking chum of mine who took all the girls, but who lacked what women really wanted in the way of romance. In fact, there are many other places in the book where I have observed rather drily, with my tongue in my cheek, certain observations, humorous but subtle, perhaps even too subtle for your own keen perception! But at best, may I repeat, I am not a humorist or a wisecracker, and why should the book express anything but what I am? Simplicity and earnestness have been the keynote of not only my success but my whole life; these two attributes have apparently carried me far, and rewarded me well for my observation of them; why should I, at any time, desert them? But to say that I do not have a *sense* of humor, when the strict definition of "sense" means perception of, not giving out but receiving, when I doubt if anyone can appreciate a humorous situation or get a bigger kick out of it than myself.

RUDY VALLÉE

New York, N. Y.

Mr. Hartman Damns

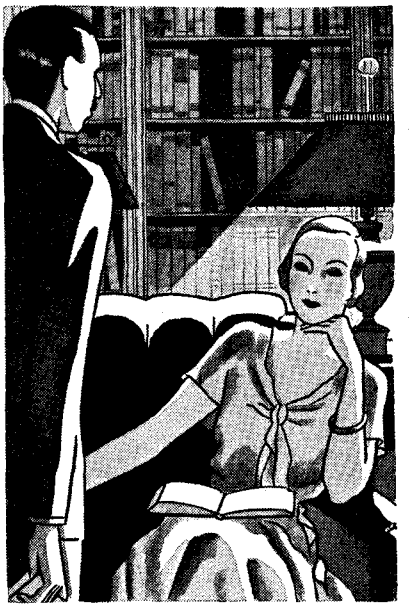
To the Editor:

The discussion of radio by Cyrus Fisher in your August issue inspires comment. The radio is worse than the movies. One doesn't have to go to the movies. But one can't avoid hearing the overtones blared from receiving sets everywhere. However, radio's contribution to American life must be weighed by an appraisal of programs. They are mostly advertising. To hold your attention while they may slip in a few words of ballyhoo about what their products will do (but will not do, as a matter of fact), they offer mainly music. Ye gods, music! The vocal music is made up of syncopated groans and grunts, interspersed with coyote tremolo; the instrumental music consists of saxophone squirming and sliding and ukelele vibrations. The net result puts the instrumental music of the Chinese and American Indians in a high class.

Of course, one doesn't have to turn on his radio, but what one can hear for a mile all within the mile must hear. So we have to content ourselves with damning the taste of our neighbors. The average program may go to the devil so far as I am concerned.

EDWARD T. HARTMAN

Boston, Mass.



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